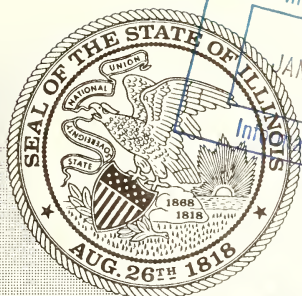


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**1998**

# **Illinois Register**

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## **Rules of Governmental Agencies**

Volume 22, Issue 03—January 16, 1998

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Springfield, IL 62756  
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# ILLINOIS REGISTER

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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 1.1
- 3) Section Numbers: Proposed Action:  
121.105 New Section

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Senate Bill 320 (P.A. 90-564).

- 5) A complete description of the subjects and issues involved: Pursuant to provisions of Senate Bill 320 (P.A. 90-564), these proposed amendments implement the State Food Program. Senate Bill 320 (P.A. 90-564) created the State Food Program to provide food benefits for children, elderly, or disabled/blind noncitizens who, if they met food stamp citizenship rules, would qualify for food stamps. The State Food Program will begin January 1, 1998.

Senate Bill 320 (P.A. 90-564) authorizes the Department of Human Services to provide nutrition services to noncitizens who are 65 years of age or older, under 18 years of age, or disabled, and who were in the United States prior to August 22, 1996 and are not eligible for the federal Food Stamp Program due to their noncitizen status. New Section 121.105 is being proposed to create the State Food Program. The State Food Program is being created to provide assistance with the food needs of individuals ineligible for the Food Stamp Program solely due to citizenship requirements. To qualify, individuals must be under age 18, or age 65 or older, or disabled. Individuals who qualify for the program and are under age 18 will receive \$80 in monthly food stamp benefits. Individuals who qualify for the program and are elderly or disabled will receive \$43 in monthly food stamp benefits.

It is anticipated that the Illinois nutrition services program will serve about 14,800 legal immigrants this year. Funds have been appropriated for the program through June 1998. The State Food Program will begin January 1, 1998 and end June 30, 1998. The program would cost an estimated \$9.3 million to continue in 1999.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED RULES

- 121.163 Amendment 21 Ill. Reg. 7639
- 121.160 Amendment 21 Ill. Reg. 5410
- 121.162 Amendment 21 Ill. Reg. 5410
- 121.164 Amendment 21 Ill. Reg. 5410
- 121.166 Amendment 21 Ill. Reg. 5410
- 121.170 Amendment 21 Ill. Reg. 5410
- 121.172 Amendment 21 Ill. Reg. 5410
- 121.174 Amendment 21 Ill. Reg. 5410
- 121.176 Amendment 21 Ill. Reg. 5410
- 121.178 Amendment 21 Ill. Reg. 5410
- 121.180 Repeal 21 Ill. Reg. 5410
- 121.184 Amendment 21 Ill. Reg. 5410
- 121.188 Amendment 21 Ill. Reg. 5410
- 121.220 New Section 21 Ill. Reg. 5410
- 121.221 New Section 21 Ill. Reg. 5410
- 121.222 New Section 21 Ill. Reg. 5410
- 121.223 New Section 21 Ill. Reg. 5410
- 121.224 New Section 21 Ill. Reg. 5410

- 10) Statement of Statewide Policy Objectives (if applicable): These proposed emergency amendments do not affect units of local government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Illinois Department of Human Services  
100 South Grand Avenue East  
Third Floor, Harris Building  
Springfield, IL 62762  
TRR: (217) 537-1547

If because of physical disability you are unable to put comments in writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED RULES

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Rule is identical to the text of the emergency amendment that appears in this issue of the Illinois Register on page 1649.

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Lottery (General)
- 2) Code Citation: 11 Ill. Adm. Code 1770
- 3) 

Section Numbers:	Proposed Action:
1770.10	Amendment
1770.40	Amendment
1770.50	Amendment
1770.60	Amendment
1770.80	Amendment
1770.90	Amendment
1770.100	Amendment
1770.130	Amendment
1770.140	Amendment
1770.150	Amendment
1770.160	Amendment
1770.170	Amendment
1770.190	Amendment
1770.200	Amendment

- 4) Statutory Authority: Implementing and authorized by Sections 1-2.1 and 1-2.2 of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.

- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments incorporate the provisions of Public Act 90-346, effective August 8, 1997, which prohibit not only the sale of a lottery ticket to a minor as has historically been the case, but also prohibit giving a ticket to a minor as a gift or paying a prize to a minor. The amendments additionally reflect the restructuring of the Lotto game and switch to a lump sum payout for the grand prize, plus other procedural changes including the acceptance of a security deposit in lieu of a surety bond from lottery agents (recognizing the difficulty and expense in obtaining a bond), the review of agent delinquency records by the Assistant to the Deputy Director for Finance rather than the Chief Accountant, a limitation on partial liquidation of prizes upon the death of a partner in a lottery partnership, and the option to offer prize liquidation at times other than the death of a prize winner.

The remaining proposed amendments are intended to achieve consistency within the Rules or to clarify existing policies and procedures. Pursuant to these amendments, the same standard for service is applied to all notices sent pursuant to the Rules; liability for debts is specified for change of ownership situations where the required advance notice is not given to the Department; the addition of the Big Game is recognized; new technologies are provided for; and cross-references to related Sections of the Rules are added.

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes, in part. An emergency amendment to Section 1770.190 was concurrently filed to facilitate the change in the Lotto game grand prize payout.
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments regarding these proposed amendments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be directed to:

Lisa Crites  
Rules Coordinator  
Illinois Lottery  
201 E. Madison St.  
Springfield, IL 62702  
217/524-5253

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses, small municipalities and not for profit corporations holding or applying for a license to sell Illinois lottery tickets would be affected by these proposed amendments.
- B) Reporting, bookkeeping or other procedures required for compliance: No new requirements are imposed by these proposed amendments. In situations where the financial status of a small business applying for Lottery licenses indicates Lottery sales proceeds could be at risk, the proposed amendments will afford those small businesses other options to achieve licensure, rather than just an expensive and hard-to-get surety bond.
- C) Types of professional skills necessary for compliance: No professional skills are necessary for compliance with these proposed amendments.

- 13) Regulatory Agenda on which this rulemaking was summarized: The majority of the proposed amendments were addressed in the July 1997 and January

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

1998 Regulatory Agendas. However, some additional technical changes were identified after the January 1998 Regulatory Agenda was submitted for publication. For the sake of efficiency, those amendments were also included in this rulemaking.

The full text of the Proposed Amendments begin on the next page:

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE C: LOTTERY

## CHAPTER 11: DEPARTMENT OF THE LOTTERY

## PART 1770

## LOTTERY (GENERAL)

Section	Definitions
1770.10	On-Line Status
1770.20	Special Licenses
1770.30	License Revocation Without Prior Notice
1770.40	License Revocation, Suspension, Non-Renewal or Denial With Prior Notice
1770.50	Conditions of Licensing
1770.60	License to be Displayed
1770.70	Change of Name, Ownership, or Form of Business Organization
1770.80	Delinquent Financial Obligations
1770.90	Bonding of Agents
1770.100	License Expiration and Renewal
1770.110	Agent Financial Adjustments
1770.120	Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.130	Sales by Department Directly
1770.140	Sales, Inspection, Compensation, and Ticket Purchases
1770.150	Lottery Tickets
1770.160	Lottery Games
1770.170	Drawings
1770.180	Prize Payment, Claiming of Prizes and Transfers to Common School Fund
1770.190	Eligibility to Buy
1770.200	Sale of Promotional Items
1770.210	Priority of Rules
1770.220	

AUTHORITY: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.

SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, P. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, P. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986; at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. 6810, effective May 8, 1995; amended at 20 Ill. Reg. 15039, effective November 6, 1996; amended at 22 Ill. Reg.

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE C: LOTTERY

## CHAPTER 11: DEPARTMENT OF THE LOTTERY

## PART 1770

## LOTTERY (GENERAL)

Section	Definitions
1770.10	Terms defined in the Act have the same meanings when used in this Part. The following words and terms when used in this Part shall have the following meanings, unless the context clearly indicates otherwise:
1770.11	"Act" means the Illinois Lottery Law [20 ILCS 1605].
1770.12	"Agent" or "Sales Agent" or "Distributor" means a person and his representative who has been licensed to distribute and/or sell lottery tickets under Sections 9.d, 10 and 10.1 of the Act.
1770.13	"Applicant" means a person who has applied to the Director for a license to sell lottery tickets to the public.
1770.14	"Board" means the Lottery Control Board as established by Section 8 of the Act.
1770.15	"Chairman" means the Chairman of the Lottery Control Board.
1770.16	"Claim" means to present a purported winning Illinois Lottery ticket to a licensed Lottery Agent or a Lottery regional or administrative office for payment. "Claim" shall additionally mean the process of completing an Illinois Lottery claim form or other documentation as required by this Part. The amount of a prize claim is determined by deducting the amount of the wager from the verified prize amount.
1770.17	"Department" means the Illinois Department of the Lottery.
1770.18	"Director" means the Director of the Department of Lottery.
1770.19	"Employee of the Department" means an employee of the Department of the Lottery.
1770.20	"Game" means any individual or particular type of lottery authorized by the Department.
1770.21	"License" means a license, issued by the Director pursuant to Section 9 of the Act, under the authority of the Act, for an agent to sell lottery tickets to the public. Licenses shall be effective for an initial period of one year from the date issued by the Department's Licensing Unit or for a shorter period if the license is renewed by the Department. The license shall be renewed or a two-year term dated from the date of expiration of the initial or last prior renewal term, as may be appropriate.

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

"Licensed Agent" or "Lottery Sales Agent" or "Licensed Sales Agent" means a person permitted by a license issued by the Director under the authority of Sections 9.d, 10 and 10.1 of the Act to sell Illinois State Lottery tickets to the public, by an across-the-counter transaction at a specified Point of Sale at a specifically licensed location.

"Lottery" or "State Lottery" means the Lottery established and operated pursuant to the Act.

"On-line status" means the ability of an agent to sell computer-generated Lottery game tickets or shares through a terminal connected to a Lottery central system.

"Person" shall be construed to mean and include an individual, association, partnership, corporation, limited liability company or partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, referee, or any other person acting in a fiduciary or representative capacity, who is appointed by a court, or any other combination of individuals. "Person" includes any department, commission, agency or instrumentality of the State, including the Department of the Lottery, and also including any county, city, village, or township and any agency and instrumentality thereof.

"Point of Sale" means the physical location where a licensed agent is authorized to conduct the sale of lottery tickets to the public.

"Prize" means any award, financial or otherwise, awarded to a ticket holder pursuant to the rules of the lottery.

"Related terminal" means any player activated machine or any agent operated terminal in which an owner of an agent location has 50% or greater interest.

"Secretary" means the Secretary of the Lottery Control Board.

"Service" means the mailing of any notice required by the Act or this Part by certified mail, return receipt requested. Service shall be deemed complete if the notice is returned undelivered or unclaimed when mailed, postage prepaid, to the intended recipient's last known address as disclosed in the Department's records, or if 30 days have elapsed from the date of mailing to such address with no return of the item.

"Special License" means a license issued by the Director limited in geographic scope and/or duration of validity, pursuant to Section 1770.30 of this Part.

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

"State Lottery Fund" means the special fund created in the State Treasury by Section 20 of the Act, in which all revenues received by the State Lottery, as defined and limited by Section 20 of the Act, are deposited.

"Ticket" means a lottery ticket or share issued by the Department for sale to the general public.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1770.40 License Revocation Without Prior Notice

a) Pursuant to Section 10.1 of the Act, the Director must act to assure that no person whom the Act declares to be "ineligible for a license" is granted a license and that no licensed sales agent who becomes "ineligible" under the Act is allowed to remain as a licensed sales agent. The Director may revoke the license of any agent who violates the Act or any rule promulgated pursuant to the Act. The Director may revoke a license without notice or prior hearing, upon determining any of the following:

- 1) That an agent has been convicted of a felony or any crime involving fraud, misrepresentation, moral turpitude or failure to pay taxes;
- 2) That the agent, or an employee of the agent engaged in or responsible for lottery ticket sales, has been arrested for bookmaking or any other form of illegal gambling;
- 3) That the agent or his employee has been found guilty of any fraud or misrepresentation;
- 4) That the agent has commingled and has failed to segregate Lottery funds from other funds, or has failed to surrender such funds and/or unsold instant tickets upon demand by the Department or its authorized agent, or has carried an accounts receivable balance in excess of \$500 for more than 90 days;
- 5) That the agent has failed to take reasonable security precautions with regard to the handling of lottery tickets and related materials;
- 6) That the agent has ceased to offer Lottery products for sale, or has changed business ownership, as defined in Section 1770.80(d) herein with no prior notice to the Department by the seller or buyer;
- 7) That, on the basis of information made available to the Director since the agent was licensed, the Director finds that the agent's character and general fitness are such that his or her participation as an agent is inconsistent with the public interest, convenience and necessity.
- b) In the event the Director revokes a license without notice and an opportunity for a prior hearing, the Director shall, by service of

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

appropriate notice furnished pursuant to 11 Ill. Adm. Code 1700.30 and this Part, afford the person whose license has been revoked an opportunity for a hearing within thirty days after the revocation order has been issued. As a result of any such hearing the Director may confirm the action revoking the license, or may order the restoration of the license. In determining whether to confirm the action revoking the license, or order the restoration of the license, the Director shall take the following factors into consideration, if applicable:

- 1) the agent's history of past offenses;
  - 2) whether the agent's conduct constituted a threat to the safety of the agent, Department Officials, or others;
  - 3) any evidence of the agent's ignorance of a material fact which led to his unlawful conduct;
  - 4) the degree of cooperation exhibited by the agent with Department Officials;
  - 5) the degree to which the agent profited economically as a result of his conduct;
  - 6) any other evidence offered and noted by the Hearing Officer as demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.
- c) The Director may suspend, with or without notice or prior hearing, the license of any agent who violates this Act or any rule or regulation promulgated pursuant to this Act. In the event the Director suspends a license without notice and an opportunity for prior hearing, the Director shall, by service of appropriate notice, as provided by 11 Ill. Adm. Code 1700.30 and this Part, afford the person whose license has been suspended an opportunity for a hearing within thirty days after the suspension order has been issued. As a result of any such suspension, the Director may confirm suspension of the license or may rescind the suspension. In determining whether to confirm the action confirming suspension or rescinding the suspension, the Director shall take the following factors into consideration, if applicable:
- 1) the agent's history of past offenses;
  - 2) whether the agent's course of conduct constituted a threat to the safety of the agent, Department Officials, or others;
  - 3) any evidence of the agent's ignorance of a material fact which led to his unlawful conduct;
  - 4) the degree of cooperation exhibited by the agent with Department Officials;
  - 5) the degree to which the agent profited economically as a result of his conduct;
  - 6) any other evidence offered and noted by the Hearing Officer as demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.
- d) Upon termination of an agent's license, the Department shall arrange, and the agent shall participate in, a meeting with the Department's representative for the purpose of rendering the agent's final lottery

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

- e) Upon receipt of notice of revocation, the agent shall surrender immediately to the Director or his or her designee, his agent's license and other lottery equipment and materials supplied to the agent by the Department, its on-line games vendor or its instant ticket validation service vendor. Service--notice--shall--be--by--when--mailed--to--the--agent's--last-known--address--with--proper--postage--prepaid.
- f) Nothing in this Section shall be construed to prevent the immediate termination of an agent's license upon agent's request and the Department's approval thereof, or upon the effective date of a change in ownership for which the Department has received a written documentation. The right to a hearing shall not apply in such circumstances.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 1770.50 License Revocation, Suspension, Non-Renewal or Denial With Prior Notice

The Director may deny, suspend, not renew or revoke an agent's license with prior service of notice and opportunity for hearing for one or more of the following causes:

- a) violation of any of the provisions of the Act or this Part;
- b) failure to meet or maintain the eligibility requirements for licensing as provided in the Act and these rules, and the Conditions of Licensing set forth in Section 1770.60 of this Part;
- c) fraud, deceit, misrepresentation or other conduct prejudicial to public confidence in the Lottery;
- d) the misrepresentation of, or failure to disclose, a material fact to the Board or the Director on any report, record, application, form or questionnaire required to be submitted to the Board or the Director, including, but not limited to, the misrepresentation of or failure to disclose a criminal record, taxpayer status with the State of Illinois or relevant information bearing on the financial status of the applicant;
- e) failure to promptly produce for inspection, by a member of the Board, the Director, or their authorized representatives, including law enforcement personnel, any book, record, account, document or item required by the Act or this Part;
- f) refusal to permit access to members of the Board, the Director, or their authorized representatives, including law enforcement personnel, to any place where a licensed lottery activity is conducted;
- g) failure to file any reports or records or to keep any records or reports as required by the Director under the Act or this Part;
- h) failure to account for lottery tickets received or the proceeds from



## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

the sale of lottery tickets, or to post a bond if so required by the Director;

- j) failure to maintain sales levels established by Department directive;
- j) failure to comply with the instructions or directives of the Director as to security procedures for the handling of lottery tickets or the conduct of any lottery game;
- k) knowingly causing, aiding, abetting or conspiring with any other person to violate this Act or this Part;
- l) making a misrepresentation of fact to the purchaser, or prospective purchaser, of a lottery ticket, or to the general public, with respect to the conduct of any lottery game;
- m) upon a determination by the Director that the number of lottery sales agents in agent's area of operation exceeds the number which can be efficiently supported by the Department's budget or personnel, or the public convenience in obtaining lottery products is sufficiently served by other agent locations considering the total volume of sales in such area;
- n) failure to pay the Department any obligation when said obligation becomes due;
- o) upon a determination by the Director that the licensed agent has become insolvent or unable or unwilling to pay his debts;
- p) failure to display lottery point-of-sale material in a manner which can be readily seen by the public, or make hand-out materials readily available to the public;
- q) upon any change of business ownership, business organization or business location;
- r) ~~issuing a ticket, giving a ticket or paying a prize to a person under the age of 18 years, or any prize paid to a person under the age of 18 years, (Section 15 of the Act) for the purposes of this Section, or acting as an employee of the agent, shall constitute an action by the sales agent.~~

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1770.60 Conditions of Licensing

- Lottery sales licenses are subject to the following conditions of licensing:
- a) A person, as defined by Section 1770.10, for a specified point of sale, as defined by Section 1770.10, for a specified point of sale, as defined by Section 1770.10, on the condition that the licensed sales agent maintains eligibility under the applicable criteria under which the license was granted by the Director, as defined in Section 1770.20;
  - b) Licensees shall, at all times during the term of license, comply with the Act and any rules, instructions of the Director concerning the security of lottery equipment, tickets or money;
  - c) Each licensed agent shall make available for sale to the public, during its normal business hours, those Illinois State Lottery tick-

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

products which the agent has been licensed to sell. No agent shall offer for sale any gambling or gaming tickets or chances other than those for which the agent is specifically licensed by the Illinois Department of the Lottery or other department, board or commission of the State of Illinois;

- d) No license issued pursuant to the Act shall be transferable or assignable;
- e) Lottery sales licenses and placards stating game play odds for Lottery games shall be displayed in a conspicuous place on the business premises where the lottery tickets are licensed to be sold;
- f) Lottery licenses shall actively promote the sale of Illinois State Lottery tickets;
- g) Licensees shall maintain authorized displays, drop boxes, equipment and properly display other promotional materials used in conjunction with sales in accordance with instructions issued by the Department. Each licensee will be held responsible for all tickets accepted from the Department or its distribution agents, by licensee, its agents or employees. All unsold tickets and receipts from sales, less commissions from such sales and less such sums as have been paid by licensees to winners of prizes in the manner prescribed by directives of the Department, shall be returned to the Department or its distribution agents by the stated settlement deadlines. Tickets not returned by settlement deadlines dates shall be considered to have been purchased by the agent; current and accurate records of all operations in conjunction with the Department, with rules, of the Department. Such records shall be made available to representatives of the Department and the Auditor General of Illinois;
- i) No person shall sell a ticket or share at a price greater or less than that fixed by rule of the Department, provided, the Department may enter into ticket couponing and ticket discount couponing promotions in support of marketing activities. No "service charge" "service" charge, "handling fee" or other cost shall be added by any person to the established price of a ticket or share. No person shall charge a fee to redeem valid winning tickets or shares;
- j) No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business exclusively as a lottery sales agent;
- k) No person other than a lottery sales agent shall sell lottery tickets;
- l) Licensed agents shall sell lottery tickets on a face-to-face or authorized dispensing machine basis only on the business premises designated in the license, and shall not conduct sales to off-premises customers by telephone, mail, parcel delivery service, or through an agent-sponsored vehicle such as a club, players' association, or similar entity;
- m) ~~No lottery ticket shall be sold No lottery ticket shall be sold or given to a person under the age of 18 years, or any prize paid to a person under the age of 18 years (Section 15 of the Act) to a person~~



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under-the-age-of-18-years:

- n) Each licensee shall hold the Department and the State of Illinois harmless with respect to any liability arising in connection with agent ticket sales activities;
- o) Each licensee shall immediately report to the Department the loss or theft of any lottery tickets consigned to the licensee, with the ticket identification numbers;
- p) Each licensee shall redeem all winning instant game tickets presented to the licensee for prizes of less than \$600. Each on-line agent shall redeem all winning tickets of any Lottery games presented to the licensee for prizes of less than \$600. No agent shall redeem a winning ticket valued at \$600 or more, but shall instead follow established prize claim procedures;
- q) No license shall be granted to any applicant whose prior license has been revoked pursuant to these rules, when the effective date of revocation has been less than two years prior to the date of the current application;
- r) No licensed agent shall sell lottery tickets or shares issued by any other person, entity, foreign or domestic, other than tickets and shares for a lottery created by Illinois State Lottery;
- s) All lottery proceeds less funds of the State of Illinois, must be separately segregated from other business or personal funds, must be held in trust on behalf of the Illinois Lottery, and the agent must, under penalty of law, maintain a separate bank account exclusively for deposit and transfer of weekly lottery fund settlements by means of an Electronic Fund Transfer system. The account must be designated on the bank's records as "Lottery Trust Fund Account."

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1770.80 Change of Name, Ownership, or Form of Business Organization

- a) Every change in the name, ownership or form of business organization of the business designated in the license as permitted to offer to the public lottery tickets, shall be reported by the licensee agent to the Director 30 thirty days prior to effective date of change. Reporting may be accomplished by completing a departmental form provided for such purpose or by mailing notice of the proposed change by certified mail, return receipt requested, postmarked on or before the 30th thirtieth day prior to the effective date of change, and addressed to the Department at the following address:

Illinois lottery

201 East Madison Street

Springfield, Illinois 62702

- b) "Change of name" means a change in the name of the business designated in the license, by which name the business is intended to be known to the public.

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- c) "Change of business organization" means a change from one form of organization and ownership of the business, as permitted by the laws of the State, to another, including, but not necessarily limited to, general partnerships, limited partnerships, corporations and proprietary ownership.
- d) "Change of ownership" means the transfer of more than 50% of the equity, management control, legal ownership, shares or stock of the business designated in the license.
- e) Each notification of change of name, ownership or form of business organization of a licensee communicated to the Director shall include the following information:
- 1) the name, address and agent identification number of the licensed agent;
  - 2) the name of the business as it appears on the license;
  - 3) the proposed new name of the business designated in the license, if applicable;
  - 4) the current form of business organization;
  - 5) the Proposed form of business organization, if applicable;
  - 6) the current owners or managers or shareholders of the business, as is indicated in the license;
  - 7) the proposed changes of ownership, including the names and addresses of the proposed new owners, managers or shareholders, the percentage of proposed transfer of equity, management control, legal ownership, shares or stock; and
  - 8) the anticipated date of the proposed change in name, business organization or ownership.
- f) The Director shall review the changes, considering current licensing standards, as provided in the Act and this Part.
- g) The Director, upon approval of a change in name or a change in business structure which does not also involve a change in ownership, shall issue a replacement license reflecting the new name or business structure. The replacement license shall have an expiration date no later than the expiration date provided in the previous license.
- h) Except as provided below, any change of business ownership shall necessitate termination of the existing licensing agreement, as of the effective date of the change of ownership. The new owner must submit an application and fee as provided in Section 1770.20 of this Part. If the existing agent has not provided the Department with required written notification of the change, the applicant may be required to furnish documentation evidencing the change in ownership, such as a sales contract. In the event of change of ownership of a corporate chain or franchise in which a business at a licensed location continues operation under the franchisor or chain corporate management, and upon corporate guarantee and assumption of the financial obligations of the licensee, a license may be assigned to the corporate sponsor and need not be terminated.
- i) In the event of the proven incapacity, death, receivership, bankruptcy or assignment for the benefit of creditors of any licensed agent or

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business as designated in the license held by a licensed agent, and upon approval of the Director, the license may continue under a court-approved or court-confined guardian, executor or administrator, receiver or trustee for the benefit of creditors, who may continue to operate the business designated under the license, subject to the provisions of this Act and this Part, including the requirements that:

- 1) the person to whom the license is transferred must be otherwise qualified to hold a license;
- 2) the license following the transfer shall be void in the event the license transferor ceases to hold such court-appointed or court-confined guardian, executor or administrator;
- 3) the Director may condition the transfer of any license under this Section upon the posting of a bond or a guaranteed payment in the form of a cashier's check or money order, on such terms and under such conditions as the Director may deem necessary to protect the financial interests of the State, provided that any such bond shall reflect the reasonably anticipated risk of transfer.

j) Every change in the location of the business designated in the license shall be reported to the Director no less than thirty days prior to the effective date of the change. If such change results from severe damage to or destruction of the business premises specified in the license, as a result of fire, natural disaster or other cause beyond the control of the licensed sales agent, the licensed sales agent shall promptly notify the Director of such destruction or damage to the business premises, and the consequent change of location, but in no case shall such notification be later than three days after such damage to or destruction of the premises or change of location. Upon such notification, the Director shall consider the factors set forth in Section 1770.20 of this Part to determine whether the agent should be licensed to sell tickets at the new location. Upon the Director's approval, a replacement license shall be issued having an expiration date no later than that of the agent's original license.

k) If a sales agent fails to notify the Department, in writing, of a change of ownership before such change occurs, all owners, officers or other responsible persons named in the Application for Lottery Sales Agent's license shall remain liable to the Department for all tickets issued to or generated by the agent location, and all proceeds from the sale of such tickets (less prizes paid and/or commissions retained) to the date written notice is received by the Department and a final settlement conducted, or the date the Sales Agent's license is revoked or otherwise terminated by the Department, whichever shall first occur.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1770.90 Delinquent Financial Obligations

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a) It is the obligation of each Lottery sales agent to remain current in his or her financial obligations to the Department. Lottery accounts are due and owing, in full, on each settlement day designated by the Department. Settlement of an agent's ticket account will be a weekly basis, and settlement of an agent's ticket account will be as scheduled by the Department. Accounts not settled on designated settlement days shall be deemed delinquent. Serious or repeated delinquencies may result in the suspension or revocation of a Lottery sales agent's license or the deactivation of the Lottery sales agent's on-line terminal. In the event the Department determines that a delinquency exists as a result of failure of an agent to segregate Lottery funds from other funds or as a result of commingling of Lottery funds or other assets so that the funds and assets of the Department, held in trust by an agent, cannot be identified and surrendered upon demand by the Department or its authorized collection representative, the Department shall revoke the license without notice or prior hearing, as provided in Section 1770.40(a)(4) of this Part. Lesser delinquent financial obligations will be processed pursuant to the provisions of subsections (b) and (c) of this Section.

b) In the event an agent, authorized to sell only instant products, is delinquent with respect to settlement of his or her account, and the delinquency is the first or second such delinquency within the past twelve months, inclusive of the month of the current delinquency, the collector will establish an extended collection deadline of 4:00 p.m. on the collection day, for a morning delinquency, and 10:00 a.m. the following business day for an afternoon delinquency. A delinquent agent will be charged with respect to a settlement envelope, however, that an agent delinquent with respect to a settlement envelope, but timely in payment, will be charged with only one-half of a delinquency. There will be no sanctions imposed with respect to the first two such delinquencies within a twelve-month period, unless both delinquencies occur within a 30-day period. Upon the third such delinquency, or the second of two delinquencies in a 30-day period, the Department or its collection agent shall notify the licensee that it will be under review by Department management for possible license revocation. During the period of review, no new instant tickets will be delivered to the agent. If the Department determines that the delinquencies, or any of them, were reasonably justified due to circumstances beyond control of the agent, the Department will reinstate the agent. Thereafter, any subsequent delinquency which, when taken with other delinquencies within the immediate past twelve calendar month period totals three delinquencies, or two delinquencies within a 30-day thirty-day period, shall require additional review by the Department. If, upon any such review, the Department determines that the delinquencies are not reasonably justified by the agent, the Department may proceed with the revocation of the license in accordance with the procedures set forth in subsection (d) of this Section.

c) The Department will apply sanctions with respect to delinquent on-line

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agent accounts according to the following schedule of sanctions:

- 1) First delinquency: In the event an agent is delinquent in settlement of his or her Lottery account, and the delinquency is the first within the past twelve months, inclusive of the month of delinquency, the agent will deliver the settlement envelope to the Department's District Office or designated courier service or deliver correct payment to the Department's District Office or deliver correct payment to the Department's account by wire transfer of funds before noon (12:00 p.m.); if after 4:00 p.m. the delinquency is before noon (12:00 p.m.) at the next working day, if the current week's settlement which was due on settlement date is paid by the extended settlement deadline, the agent will be charged with one delinquency (one-half of a delinquency if the payment was timely but the settlement envelope was delinquent as described in subsection (b) above) but will receive no further sanction;
- 2) Second delinquency: In the event an agent is delinquent in settlement of his or her Lottery account or any extended payment deadline, and the delinquency is the second one in the past twelve months, inclusive of the month of the delinquency, the collector will promptly notify the Department of the delinquency, whereupon the delinquent agent's Lottery sales terminal and any related terminals will be immediately deactivated and the agent will be charged with a second delinquency. When settlement of the current week's account which was due on settlement date is paid to the Department's District Office or wire transferred to its account, the Lottery sales terminal and related terminals will be reactivated unless the second incident is within one month of the first. If this occurs, the sales terminal and any related terminals will be reactivated only after review and approval by the Deputy Director of Finance or Finance Division Administrative Assistant Chief-Accountant;
- 3) Subsequent delinquencies: In the event an agent is delinquent in settlement of his or her Lottery account or any extended payment deadline, and the delinquency is the third or more in the past twelve months, inclusive of the month of the delinquency, the collector will promptly notify the Department of the delinquency, whereupon the delinquent agent's Lottery sales terminal and any related terminals will be immediately deactivated and the agent will be charged with an additional delinquency. The following table sets forth the required payment and reactivation policy:

## REQUIRED PAYMENT AMOUNT

## TERMINAL REACTIVATION

## THIRD:

Current week's settlement

One business day  
after payment and  
after review and

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approval by Deputy  
Director of Finance  
Division Administrative  
Assistant  
Chief-Accountant

FOURTH:  
Current week's settlement

Two business days  
after payment and  
after consideration  
by Deputy Director  
of Finance, or  
Finance Division  
Administrative  
Assistant  
Chief-Accountant

FIFTH:  
Current week's settlement

Three business days  
after payment and  
after consideration  
by Deputy Director  
of Finance  
or Finance  
Division Administrative  
Assistant  
Chief-Accountant

- d) The Lottery may, upon written notification and with opportunity for hearing, revoke an agent's license after review of a delinquency, at any stage if the Director determines that termination is in the best interest of the Lottery. Such termination may be initiated without prior notice and opportunity for hearing when the Department's funds are not segregated and available for surrender of which Section 1770.40 of the Code has exceeded allowable limits as provided in the Code. In this Part, the evaluation of the circumstances surrounding a delinquency, including review of a delinquent agent's past delinquency record will be conducted to differentiate between incidental agent management error and lack of financial stability or responsibility. Service--is--deemed-complete-if--returned--undelivered--when--mailed--to--the--agent--at--the--address--of--the--licensed--premises--with--proper--postage--prepaid--
- e) It is the responsibility of the licensed sales agent to insure that all payments due the Department are properly prepared. Failure to properly prepare and tender any payment due the Department shall not be an excuse for failure to fulfill obligations due the State Lottery.
- f) The deactivation or removal of an on-line terminal, or the suspension

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or revocation of the license of a Lottery sales agent shall not relieve the Lottery sales agent of liability for any obligation due the Department.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1770.100 Bonding of Agents

The Department may require a surety bond or a guaranteed payment in the form of a cashier's check or money order bond secured by the assignment of a bank account or certificate of deposit from any agent, at such agent's expense, so as to avoid any monetary loss to the State because of an agent's activities in the sale of tickets. The Department may require a financial statement revealing the financial condition of any person or organization seeking to become or continue as an agent.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1770.110 Lost, Stolen, and Damaged Winning Tickets and other Discrepancies

a) No claim for a game prize with respect to any Lottery game shall be honored, and no prize shall be paid with respect to any such claim, unless the claim is accompanied by a valid winning ticket for the game and the prize. Each winning ticket must pass such validation and security tests as the Department may require to validate the ticket.

b) Whenever a winning ticket is stolen, lost or destroyed after such ticket has been placed in the hands of a Lottery agent or the Department, the Department may provide for payment of the prize to the winner thereof, provided that the purported winner furnishes a valid claim receipt with attached computer-generated claim ticket, with respect to a claim filed with a Lottery agent, or the claim receipt only, with respect to a claim filed with a Department administrative or marketing office. For instant game prizes where there is no computer-generated claim ticket, a written statement from the agent, confirming that the winning ticket was received by such agent, may be required prior to payment authorization. In the event a claim has been entered into the computer system but the claimant is unable to produce a claim receipt or, where appropriate, claim ticket, no action will be taken with respect to the claim until the claim period for the game has expired. If the ticket and original claim form and claimant's copy of the claim form remain lost at the conclusion of the claim period for the game in question, within 30 thirty calendar days from and after the final claim date, any claimant with respect to such a prize may request a hearing, as provided by the Hearing Rules of the Department (11 Ill. Adm. Code 1710), for purposes of proving-up the

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claim. If multiple claims are filed with respect to the same prize, such claims shall be heard in a consolidated hearing during which each claimant shall be permitted, in turn, to present evidence in support of his or her claim. No discovery of Department records relating to ticket procurement or ticket claims shall be allowed. At the conclusion of the offering of all proofs by all claimants for a prize, the Department shall offer such evidence as may be available from the Department records that will tend to establish that agent location at which the actual winning ticket was sold, together with the ticket identification numbers, and the date and time of sale. The Department's motion for dismissal prior to offering of proofs, accompanied by Department's certification that no computer claim record exists with respect to a purported claim, shall constitute an absolute defense to any claim for a prize.

c) Whenever a player submits a claim during the valid claim period for a game alleging that a properly purchased Illinois Lottery ticket was lost or stolen after being deposited in the U.S. Mail, if one year has elapsed since the date of the on-line drawing for which the ticket was purchased or one year has elapsed since the announced end of game for the instant game in question, and no prize has been paid to or claimed by another person, the Director may declare the ticket to be a valid winning ticket and authorize payment of the associated prize to the claimant provided that the following conditions are met:

1) The claimant furnishes a copy of the ticket or other satisfactory evidence as to the date, time and location of the ticket purchase for the game of the instant game, the game location of purchase, and appropriate evidence of the game for instant tickets; or such other relevant information as could only be known by the original purchaser of the ticket;

2) The claimant establishes to the satisfaction of the Director that the claimant took reasonable steps with respect to the security of the ticket, actually deposited the ticket in the U.S. Mail properly addressed to the Illinois Lottery, and that the ticket was not lost or stolen due to the player's negligence or carelessness;

3) One and only one claimant meets the criteria outlined in subsections (c)(1) and (2) above; and

4) The prize claimed is not a Lotto game Grand Prize, Little Lotto game First Prize, The Big Game Grand Prize or Second Prize, or instant game prize in excess of \$5,000.

Evidence regarding the date, time and place of purchase will not be considered satisfactory evidence of ticket purchase if such information has been generally released to the public by the Department.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 1770.140 Sales by Department Directly

- a) The Department may engage in direct sales of tickets at any selling points it establishes within the State. The Department may also sell tickets by direct mail, by means of telephone, electronic transmission, parcel delivery, or otherwise, as may be permitted by the Department, subject to the approval of the U.S. Mail United States Postal Service.
- b) In any case where the Department is engaged in the selling of tickets as a general promotion, nothing herein shall be construed to prohibit the Department from compensating lottery agents who may be economically adversely affected by such promotion.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1770.150 Sales, Inspection, Compensation, and Ticket Purchases

- a) Except as provided in Section 1770.140 of this Part, tickets which shall be sold only to purchasers physically present on the premises at the specific location named in the license.
- b) All ticket sales shall be final, and no agent is authorized to accept ticket returns except as otherwise provided in this Part or with the specific approval of the Director.
- c) Authorized inspectors of the Department may inspect the business premises of any agent at any time during normal business hours. Such inspections may be made without prior notice to the agent.
- d) An agent is entitled to a commission for tickets sold by the agent at such rate or rates as are established by the Director. Each licensed agent shall be entitled to such bonus or bonuses to be awarded with respect to a winning ticket sold by the agent as may be established by the Director with respect to each particular lottery game.
- e) The Director may award additional cash bonuses or other incentives from time to time to sales agents. Agents shall be notified of any such bonuses or incentives by means of an agent newsletter or such other similar agent circular as may be distributed by the Department.
- f) Every agent shall deposit to a lottery trust fund account in a bank, or otherwise, all monies received by the agent from the sale of tickets, less the amount of commission and such sum of money paid to the agent to winners of prizes (lottery proceeds) which must be segregated and apart from other business or personal funds and must be segregated as a trust fund on behalf of the Lottery. The agent shall file with the Department, or its designated representatives, reports of receipts, sales, payment to winners and related transactions in such form and containing such information as the Department may require by directive. Any discrepancies in such receipts and transactions are to be resolved as provided in the reporting directives.
- g) All tickets, accepted by an agent from the Department or its

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authorized representatives, are the property of the Lottery until sold and deemed to have been purchased by the agent, unless returned to a representative of the Lottery within the time specified by the Department and the purchase price paid to the State, less the appropriate deductions. The agent is responsible for lost, stolen or missing tickets not returned.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1770.160 Lottery Tickets

- a) The Director is authorized to prepare for sale to the public such lottery tickets as may be appropriate for implementation of the lottery games offered, from time to time, by the Department.
- b) Each lottery ticket shall contain the price of the ticket, the drawing date if appropriate, and such unique identification numbers or symbols and such other information as the Director may deem appropriate for security and marketing purposes.
- c) Any unsigned lottery ticket issued by the Director is a bearer instrument and shall be treated as such until a name is imprinted or placed upon the rear portion of the lottery ticket in an area designated for "Name". Once a name is placed on the rear of said ticket in the place designated therefor, the person whose name appears in that area shall be the owner of said ticket and shall be entitled to any prize attributable thereto, subject to the provisions of subsection (d) of this Section.
- d) In the event an otherwise valid ticket is submitted as a claim for payment, and the Department is put on notice prior to payment of said claim that ownership of the ticket is disputed by an adverse claimant alleging fraud, theft, loss, conversion or any other misappropriation of the ticket by the claimant of record, the Department may withhold payment of the claim for a period of ten working days from and after the working days during which the adverse claim was first communicated by oral or written means to the Department. If a civil action is initiated on behalf of the claimant or adverse claimant in a circuit court of the State of Illinois, or equivalent court of any sister state, within ten working days from and after the Department has received notice of the pending action, the claimant shall have the burden of proving that the ticket was not stolen, lost, converted, or otherwise disposed of by the claimant or adverse claimant until an adjudication of the ownership has been rendered by the court. All statutory appeals therefrom have been exhausted and, in the case of a judgment entered by the courts of a sister state, in the final order has been registered as a foreign judgment in an Illinois court, and all statutory appeals therefrom have been exhausted, whereupon the Department shall honor the claim of the prevailing party. During the course of any such litigation conducted in the courts of the State of Illinois, the Department may

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interplead and pay into court the prize or, in the case of an instant prize, the cash-instant prize or installment as may fall due on the prize, and the claimant shall be entitled to the prize or installment. In the event the claimant is notified by written confirmation received by the Department before the close of business on the tenth working day from and after receipt of the initial adverse claim by the Department, that a civil lawsuit has been filed as provided herein, the Department shall honor the claim as filed by the claimant who has presented the winning ticket, and will proceed to process the claim for payment without further reference to the adverse claim. If a violation of Illinois criminal law is indicated, the matter shall be referred by the Director to the appropriate law enforcement authorities, and nothing in this Section will be construed to require the Department to take any action or pay any claim pending final disposition of any criminal investigation or proceedings. No interest shall be payable with respect to prize payments made by the Department, its contractor or other agencies authorized to make such payments by direction of the Department.

- e) No claim shall be deemed complete, and no prize shall be awarded with respect to a claim, unless the claimant can and does produce a valid winning ticket to the game and prize claimed. Except as otherwise provided in subsection (d) of this Section or Section 1770.130 of this Part, claims not accompanied by a winning ticket will be rejected. Any claim received by an Agent and unaccompanied by a ticket will be forwarded to the Department. Upon receipt of any such claim, the Department shall notify the claimant of the rejection, such notice to be accompanied by certified mail, with notification to be deemed completed if returned undelivered, when mailed to the party's last known address, with proper postage prepaid. Notice of rejected claims will be mailed within ten working days after receipt of the claim by the Department, at its claims validation unit in the Lottery Central offices in Springfield, Illinois.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1770.170 Lottery Games

- a) The Director may authorize instant ticket games in which winners are determined by matching certain of the numbers, letters, characters, words or devices as provided by the rules of the game. Instant game words may also provide for preliminary and grand prize drawings. Preliminary drawings will be conducted at the Lottery Central offices to determine finalists for grand prize drawings. Preliminary drawings will be from the tickets of shares eligible for entry into the preliminary drawing submitted to the Department as part of the preliminary drawing pool in such manner and by such deadline as may be provided by departmental directive. Preliminary drawings shall be open to the public and notice of such drawings shall be posted in the

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State of Illinois Center in the City of Chicago and the Department's Central offices in the City of Springfield, Illinois, at least five days prior to such drawing. Grand prize drawings shall be conducted pursuant to the rules of the game, and copies of written procedures to be followed at Grand Prize drawings will be furnished each finalist prior to a drawing.

- b) The Department may offer passive lottery games wherein tickets bear pre-assigned numbers, words or symbols ~~numbers-or-words~~, winners in such games shall be determined either by the results of future events or by publicly held drawings wherein randomly drawn numbers, words or symbols are selected and tickets with numbers matching those drawn shall entitle the ticket holder to the prize indicated on the ticket and in accordance with the prize structure established by the game rules.

- c) The Department may offer computer operated games where players are permitted to purchase tickets bearing player-selected numbers, letters, characters, words or devices or computer selected numbers, letters, characters, words or devices, as provided by the rules of the game, for drawings which are regularly scheduled in accordance with game rules. With respect to such games, the Director shall conduct drawings using air-driven or gravity selection equipment (including but not limited to, devices utilizing air-driven ball selection, gravity mixing chamber ball selection, spinning wheel and ball selection or similar equipment, and utilizing either hollow or solid balls appropriate to the type of equipment utilized), or utilizing a computerized random selection program. In the case of drawings conducted using air-driven or gravity selection equipment, drawings shall be by random selection in the presence of a certified public accountant who will monitor the integrity of the drawing procedure. For any game utilizing computerized random selection, the selection program will be subject to a software acceptance test by the Department prior to implementation.

- d) Players holding tickets with numbers, letters, characters, words or devices corresponding to those drawn in the several games, or which in combination with those drawn meet the criteria for prize award set forth in game rules, shall be entitled to prizes in the amounts set forth in game rules to be established by the Director.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1770.190 Prize Payment, Claiming of Prizes and Transfers to Common School Fund

- a) The prize structure may vary with each game and will be established at the beginning of the game by the Director. The prize structure, odds of winning, the manner in which winners are determined, the claim period for the game and various procedural matters will be set forth

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- in game rules and play instructions.
- b) A prize of less than \$600 may be claimed by submitting the winning Lottery ticket to a Lottery agent location which sells the type of game won, and may be paid by the Lottery agent directly from Lottery ticket sales funds on hand after the agent follows verification procedures which establish that the ticket is a winning ticket, examines the ticket for alteration, verifies that the prize claim period has not expired, and requests proof of age from the claimant if appropriate. However, when a winning ticket is presented for payment at an agent location after the expiration of any agent claim period established in game rules, the due of the winning ticket is \$600 or less, the claimant must follow the verification procedures, and the agent shall follow the claim procedures in the game rules.
- c) Prizes of up to \$25,000 claimed by an individual in the name of, or under the taxpayer identification number of a partnership or other artificial person, may be paid by Lottery regional or administrative offices, subject to established claim periods, procedures and validation tests. All claims for prizes of more than \$25,000, as well as claims for lesser prizes not paid by Lottery regional offices, administrative offices or by an agent pursuant to subsection (b) of this Section, must be paid centrally by the Department. Claimants may obtain claim forms from any lottery ticket sales agent, any departmental regional office, or the Department's administrative offices in Chicago or Springfield, Illinois. When initiating a claim at any of the aforesaid locations, a claimant shall complete the name and address area on the reverse of the ticket, and present proof of identification and the winning ticket. The agent or Department employee, as applicable, will assist the claimant in filling out the claim form which will be signed by the agent or employee and by the claimant or his or her authorized representative. The claimant or authorized representative will receive a copy of the claim form as a receipt. The winning ticket and a copy of the claim form will be sent to the Department's central offices in Springfield, Illinois, for verification. When the ticket is verified as a winning ticket, the prize will be mailed to the claimant. Prizes in the amount of \$1,000,000 or more may be claimed only at the Department's administrative offices in Springfield and Chicago, and absent extenuating circumstances, only by appointment so that appropriate Department personnel are available to assist in the claim proceeds.
- d) Prizes of less than \$600 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, shall be claimed in the individual name of the partners or members of the group. Payment of any claim filed on behalf of such individual group members shall be in the same manner as if filed on behalf of a single claimant.
- e) Prizes of \$600 up to \$1,000,000 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, may be claimed in the individual name

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- of one of the partners or members of the group. Any claim filed on behalf of such an individual group member shall be filed in the same manner as if filed on behalf of a single claimant, but must be accompanied by a form 5754 setting forth the names, addresses, social security numbers, and prize shares of all other persons entitled to a share of the prize. The Department will process a voucher payable to each individual listed on the form 5754, dividing the winnings equally, or as otherwise designated on the form 5754. The Department will then process payment vouchers to the Office of the Comptroller for preparation of warrants and end of year income tax withholding documents. Claim and payment may be made in a partnership name only if the partnership furnishes a Federal Employer's Identification Number (FEIN).
- f) Prizes in the amount of \$1,000,000 or more claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, must be claimed in a partnership or group name. Payment will be made out to a partnership as a single payee, or to each of the individual partners or group members, as requested in writing by the winners and provided that each individual's gross annual payment will equal or exceed \$5,000. Partnership claims shall include the name, address and (if one check is requested) Federal Employer's Identification Number of the partnership, the ticket and claim form must be signed by one of the general partners on behalf of the partnership, and the claim form must be accompanied by a form 5754 setting forth the names, addresses, social security numbers and prize shares of each partner. Prior to payment, the partnership must submit a written partnership agreement evidencing, at a minimum, that an oral agreement for group play existed prior to the purchase of the winning lottery ticket. The partnership agreement shall be subject to review by the Department's legal staff, and may not contain provisions contrary to law. Where separate checks have been requested, the partnership must additionally furnish payment instructions for each partner. Group claims shall include a group name and the address and Social Security Number of the representative signing the ticket and claim form, and be accompanied by a form 5754 setting forth the names, addresses, Social Security Numbers and prize shares of all group members. A group play agreement may additionally be required. Claims by other entities such as corporations or trusts must be in the name of the entity as a claimant. Prizes of less than \$600 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, shall be claimed in the individual name of the partners or members of the group. Payment of any claim filed on behalf of such individual group members shall be in the same manner as if filed on behalf of a single claimant.
- g) Lottery clubs, charitable organizations, corporations, partnerships and other "artificial" persons shall be eligible to purchase lottery tickets. However, with respect to awards of prizes for life, such "artificial" persons shall be entitled to the minimum guaranteed prize.



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b) Prizes claimed but unpaid at the time of a prize winner's death shall be treated as follows: Except as provided herein, for the game commonly known as "6/49" the Department and the State Treasurer will invest sufficient funds to purchase federal securities equal to the Grand Prize amount less 1/20th of that amount to be paid in cash at the time of the prize claim (the balance of the prize to be paid in nineteen annual installments). The Grand Prize will be divided by the number of Grand Prize winners. The Grand Prize will be divided by the number of Grand Prize winners to determine the prize amount per winner. If the number of Grand Prize winners is greater than the number of millions of dollars in the advertised Grand Prize, the cash available will be divided by the number of winners and paid in a single lump sum. The amount of lower tier prizes will be determined by dividing each of the prize pools by the number of winners for each respective prize level and rounding each prize payment down to the nearest fifty cents, unless otherwise provided in game rules.

1) Any prize, or portion thereof remaining unpaid at the death of a winner, may be paid to the estate of such deceased prize winner, or to the designated trustee under a revocable living trust established by the deceased prize winner, as settlor, provided that a copy of such trust has been filed with the Department, along with a notarized letter of direction from the settlor, and no written notice of revocation has been received by the Department prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the Director shall obtain from the trustee and each trust beneficiary a written agreement to indemnify and hold the Department harmless with respect to any claims that may be asserted against the Department arising from payment to, or through the trust.

2) The payment of prize installments due with respect to a prize winner whose death occurs prior to payment of the final installment may be accelerated under certain circumstances. At the election of the estate or successor trustee of an individual prize winner, the estate or trustee may have the option to request, within six months of the date of death, that the annuity or equivalent investment securities provided by the Department for purposes of generating installment prize payments be liquidated at current market value and paid over to the personal representative of the estate and beneficiary or successor trustee, as appropriate. In the case of a prize claimed by a partnership or group, the right to request liquidation of the decedent's remaining prize may be available to only if the decedent is entitled to receive one-third or more of the claimed prize. Upon receipt of notice of election to liquidate the remaining prize, if the prize payment has been structured through purchase of an annuity and the annuity contract permits early liquidation, the Department shall promptly

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notify the annuity company and request that the annuity be liquidated and the commuted (check) value be paid to the personal representative or successor trustee. If the Department has procured investment securities to generate income for satisfaction of future prize installments, the Department, as soon as practicable after such notification, and without jeopardy to the common investment position of securities purchased in connection with payment of future installments to other winners of Grand Prizes from the same drawing date as decedent, shall offer such securities for market sale and shall pay the personal representative or successor trustee the proceeds of sales attributable to decedent's prize. Prior to such distribution, the Department shall deduct from the proceeds of sales such sum as may be required to absorb from the share of the party requesting liquidation, any penalties or losses incidental to sale, and to restore the investment position of securities purchased with respect to any other same-date winners to the position held prior to liquidation. The balance of the proceeds of sale attributable to decedent's prize shall be distributed. Prior to authorizing accelerated liquidation of any prize, the Department shall obtain from each personal representative or successor trustee requesting such liquidation a complete release of any further liability of the Department for further payment with respect to the decedent's prize upon liquidation as provided herein, and the Department in liquidating the investment vehicle for any such prize shall be discharged of any further liability with respect to such prize beyond the amount actually realized through liquidation. Any election pursuant to this amendment must be made by the estate or beneficiary of the estate of a prize for life winner when the guaranteed minimum estate of a prize for life winner when the guaranteed minimum payment has not yet been paid. Rather, installment payments shall continue until the guaranteed minimum prize has been paid.

1) The Department may at any time, or from time to time, offer the winners of multi-year prizes (but not prizes for life) the option to liquidate their remaining prizes for the current cash value of the prizes, provided that such an offer will not create a tax liability for those winners who elect not to liquidate, and provided that the terms of any annuity contracts funding the multi-year prizes permit liquidation. Before proceeding with any prize liquidation, the Department shall obtain from the winner a release of any further liability of the Department for payment of the prize beyond the net proceeds realized from liquidation of the investment vehicle funding the prize. Prior to distribution of the proceeds such sum as may be required to absorb any penalties or losses incidental to the liquidation, and to restore the investment position of any other game date winners to the position held prior to liquidation.



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- 1) Heading of the Part: Fees for Radioactive Material Licenses and Registrants
- 2) Code Citation: 32 Ill. Adm. Code 331
- 3) Section Number:  
 331.10 Proposed Action:  
 Amendment  
 331.20 Amendment  
 331.30 Amendment  
 331.110 Amendment  
 331.115 New Section  
 331.120 Amendment  
 331.125 New Section  
 331.130 Amendment  
 331.310 Amendment  
 Appendix D Repealed  
 Appendix E New Section  
 Appendix F New Section
- 4) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 (420 ILCS 40/11).

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to modify its rules pertaining to the collection of fees from persons who apply for or hold radioactive material licenses. Collection of such fees is authorized by the Radiation Protection Act of 1990 and is necessary to cover, in part, the costs associated with the implementation of radiation safety programs by the Department to ensure that Illinois citizens who have entered into an agreement with the U.S. Nuclear Regulatory Commission (NRC) to regulate similar to the material in the State, the Department adopted a fee system similar to the NRC's fee system. This system requires licensees to pay five-year fees at the beginning of the five-year license renewal cycle. This system produces an unstable revenue base that varies with the number of licenses expiring in a particular year. The Department is proposing to repeal the current fee schedule, codified as Appendix D, and replace it with a new fee schedule based on actual time spent performing licensing and inspection activities for different categories of licensees, which will be codified as Appendix F. This new Appendix will establish annual license fees to simplify budgeting for the Department and will stabilize the Department's revenue base. The Department is also proposing a new Appendix E to clarify the descriptions for categories of radioactive material licensees and registrants. In addition, the Department is proposing to charge fees for tracking certain large, generally licensed devices. Finally, the Department is proposing to establish annual fees to be used for recovery and remediation of radioactive material when such costs cannot be recovered or cannot be timely recovered from a responsible person or an available surety.

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- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: A Complete Description of the Subjects and Issues Involved: The Department does not believe that the proposed changes will have an effect on units of governments and will not require units of governments to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Prior to publication of this proposed rulemaking, the Department held three public hearings throughout the State to obtain comments from the affected community regarding the change in the fee structure. The Department analyzed these comments and incorporated a number of changes into the proposed rule. In addition to the comments already received by the Department, comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Robert B. Holtzclaw  
Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 524-1003 (voice)  
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities or not for profit corporations affected: The Department believes that these amendments may affect small businesses and not for profit corporations that are licensed by the Department to possess, use, distribute, store, treat or dispose of radioactive materials. The Department believes that these rules will not have any direct impact on small municipalities.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking requires only the payment of a fee incident to registration and licensure and consequently does not require licensees

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to perform reporting, bookkeeping or other procedures for achieving compliance.

- C) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment begins on the next page:

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TITLE 32: ENERGY

## CHAPTER 11: DEPARTMENT OF NUCLEAR SAFETY

## SUBCHAPTER b: RADIATION PROTECTION

## PART 331

## FEES FOR RADIOACTIVE MATERIAL LICENSES AND REGISTRANTS

Section	Purpose
331.10	Scope
331.20	Definitions
331.30	Exemptions
331.110	Radioactive Material Recovery and Remediation Fee
331.115	Payment of Fees
331.120	Licensee
331.125	Registration
331.130	Refunds
331.200	Full Cost of Review
331.210	Schedule of Fees For Radioactive Material Licenses (Repealed)
331.310	Failure By Applicant, Registrant or Licensee To Pay Prescribed Fee
APPENDIX A	Schedule of License Fees (Repealed)
TABLE A	License Fees - Jan. 1, 1988 - Dec. 31, 1988 (Repealed)
TABLE B	License Fees - Jan. 1, 1989 - Dec. 31, 1989 (Repealed)
TABLE C	License Fees - Jan. 1, 1990 - Dec. 31, 1990 (Repealed)
APPENDIX B	Fee Schedule For Radioactive Material Licenses (Repealed)
APPENDIX C	Fee Schedule For Sealed Source And Device Evaluations (Repealed)
APPENDIX D	Fee Schedule For Radioactive Material Licenses (Repealed)
APPENDIX E	Primary Material Use Categories for Radioactive Material Licenses and Registrants
APPENDIX F	Fee Schedule for Radioactive Material Licenses and Registrants

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 (420 ILCS 40/11).

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10968, effective July 28, 1997; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 331.10 Purpose

This Part establishes the fees to cover the costs of licensure and inspection of changed for radioactive material licenses, registration of certain types of generally licensed devices, recovery and remediation of radioactive material

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and evaluation and maintenance of sealed source and device evaluations conducted in support of radioactive material licenses issued by the Illinois Department of Nuclear Safety (the Department).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 331.20 Scope

Except for persons who apply for or hold only licenses exempted in Section 331.10 of this Part, this Part applies to any person who is an applicant for, holder of, or licensee of a radioactive material license pursuant to 32 Ill. Adm. Code 330.332 or 601 or a sealed source or device evaluation issued to a radioactive material licensee, or to any person who possesses a generally licensed kit or device as defined in Section 331.30 of this Part.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 331.30 Definitions

The following definitions are applicable for use in this Part only. Additional definitions for use in this Part are located in 32 Ill. Adm. Code 310.20.

"Application" means a request filed with the Department for a license, amendment, amendment to terminate a license, renewal, sealed source or device evaluation, amendment to a sealed source or device evaluation or an exemption granted by the Department pursuant to 32 Ill. Adm. Code: Chapter II.

"Amendment" means a modification in the license document that reflects changes to a radiation safety program or modifications to a sealed source or device evaluation which do not meet the criteria of a minor amendment.

"Amendment fees" means fees assessed for modifying a previously approved sealed source or device evaluation or for modifying a license to increase the number of permanent jobsites listed on the license to add a new material use category or to change the radiation safety program at a licensed facility. For licenses based on the full cost of review, amendment fees do not include the fee associated with processing a minor amendment.

AMENDMENT NOTE: For licenses based on fixed fees, there is no fee assessed for amendments to change the radiation safety program. The cost to the Department for processing such amendments is incorporated into the fixed license fee. For licenses based on fixed costs, fees for adding additional jobsites or for adding additional material use

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categories are assessed in accordance with Section 331.20.

"Anniversary date" means the last day of the month for each year the license is in effect, that corresponds to the last day of the month in which the license expires.

AGENCY NOTE: For purposes of this Part, the 28th will be considered the last day of the month of February.

"Category I irradiator" means a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume volumes undergoing irradiation is not physically possible because of the design of the irradiator.

"Category II irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Category III irradiator" means a gamma irradiator in which the sealed source is contained in a storage pool (usually containing water), the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use.

"Category IV irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a storage pool (usually containing water), if fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Confirmatory environmental monitoring" means those surveys conducted by the Department either to establish whether the licensee has complied with the concentrations and exposure limits or dose limits specified in 32 Ill. Adm. Code 332, 340, 601 or 606, or to provide data to evaluate potential health and environmental impacts resulting from licensed activities.

"Dispensing" means to remove aliquots of radioactive material from bulk stock and distribute portions to another licensee or to a person exempt from licensure.

"Distribution" means the transfer of radioactive material to three or more licensees or persons exempt from licensure pursuant to 32 Ill. Adm. Code 330 or 332.



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"Educational institution" means a non-profit organization which has as its primary purpose the advancement of knowledge in one or more specific fields and which is accredited by the North Central Association of Colleges and Schools or equivalent.

"Evaluation fees" means fees assessed for evaluation of new sealed sources or devices.

"Generally licensed devices" means x-ray fluorescence analyzers, has chromatographs and tubes containing sealed sources in quantities equal to or greater than 37 MBq (1mCi) of radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(b).

AGENCY NOTE: Although general licensees are required to register with the Department (32 Ill. Adm. Code 320.10), only general licensees possessing the types of devices with quantities of radioactive material defined above are required to pay fees as specified in this Part.

"Generally licensed kits" means radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(f) for in vitro clinical or laboratory testing.

"License fees" means fees for new radioactive material licenses or renewals of existing radioactive material licenses as specified in 32 Ill. Adm. Code 330.330, 332.130 or 468.130.

"Manufacture" means the dispensing or processing of radioactive material or the assembly of radioactive material as sealed sources into devices.

"Materials licenses" means a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601.

"Material use category" means the category described in Appendix B that represents the use of radioactive material authorized by the license or the requested authorized use submitted by the applicant.

"Minor amendment" means changes to a radiation safety program which are administrative in nature, such as changing the name of the Radiation Safety Office or changing the users specified on a radioactive material license. A fee is charged for minor amendments to licenses when the initial license fee is based on full cost of review.

AGENCY NOTE: Although all licensees are required to obtain amendments prior to instituting administrative changes in the radiation safety program, no fee is assessed for minor amendments to licenses for which

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a fixed fee is prescribed in Appendix B, the cost to the Department of processing minor amendments to such licenses is incorporated in the initial license fee.

"Permanent jobsite" means any location where licensed material is stored or used for more than 180 days during any consecutive 12 months.

"Primary material use category" means the category described in Appendix E of this Part that corresponds to the category of use of radioactive material with the highest fee, either authorized by the license or requested by the applicant.

"Processing" means the preparation, manipulation or conversion of radioactive material.

"Remote site" means any permanent jobsite that is located in an area that is not contiguous to the primary use location.

"Temporary jobsite" means any location where licensed material is used or stored for 180 days or less during any consecutive 12 months.

"Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport, storage or disposal, amenable to recovery, convertible to another usable material or reduced in volume. [420 ILCS 20/3]

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 331.110 Exemptions

No fees as described in Sections 331.115 and Section 331.120 of this Part shall be required for:

a) Persons who possess radioactive material. A general license issued pursuant to 32 Ill. Adm. Code 330.210, 330.220(a), 4677 (c), (d), (e), (g) or 330.900(a)(2) and (b)(2).

b) Persons who possess radioactive material pursuant to 32 Ill. Adm. Code 330.220(b), except for generally licensed devices as defined in Section 331.30 of this Part.

c) A license for possession and use of radioactive material issued to an agency of a state, county, or municipal government or any political subdivision thereof. This exemption does not apply to licenses for which the license fee is based on full cost, licenses which authorize distribution of radioactive material or licenses authorizing testing for leakage or contamination as a service, or instrument calibration

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services to any person other than an agency or political subdivision of the State, county, or municipal government.

- g) A license for possession and use of radioactive material issued to an educational institution as defined in Section 331.30 of this Part. This exemption does not apply to licenses for which the license fee is based on full cost. Licenses authorizing distribution of radioactive material, licenses authorizing human use of radioactive material, or licenses authorizing remunerated testing of sealed sources for leakage or contamination as a service, or instrument calibration services to any person that authorize human use or remunerated services to others.
- g) An application to amend a materials license for which the license fee is not based on full cost, that would not change the primary material use category to a category with a higher fee, or add additional permanent jobsites.

- f) A general license or specific license authorizing the use of source material as prefabricated shielding only in devices and containers, provided, however, that all other licensed material in the device or container will be subject to the fees prescribed in Appendix E B of this Part.

- g) An application to change the status of a sealed source or device evaluation from "active" to "inactive". For purposes of this exemption, a sealed source or device evaluation is designated "active" if new devices are being manufactured and/or distributed for use. An evaluation is designated "inactive" by the Department when such sources and devices are no longer manufactured or when the evaluation is superseded by another evaluation for commercial distribution.

- h) An application to change the company name or address listed on a sealed source or device evaluation.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 331.115 Radioactive Material Recovery and Remediation Fee

All specific and general licensees subject to this Part shall pay an annual fee for recovery and remediation of radioactive material for a period of two years. Fees are specified in Appendix F of this Part. This Department will account separately for all such fees which will be used only for the costs of recovery and remediation of radioactive material when such costs cannot be timely recovered from a responsible person or an available surety.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 331.120 Payment of Fees

Fees for licensing actions and for evaluations of sealed sources and devices

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shall be assessed and paid as follows:

- a) For categories of licenses that are shown to have an annual fee in Appendix F of this Part that specify as being assessed a fixed-cost license fee, fees shall be due at the time a new license application is submitted to the Department. For existing licenses, fees shall be due annually on the anniversary date. Fees shall also be assessed for applications for new licenses, amendments to add or change the primary material use category to a primary use category with a higher fee, and categories of amendments to increase the number of permanent jobsites and renewals of existing licenses. Annual fixed-cost license fees shall be assessed as follows:

- 1) Annual fees: Unless a license or amendment application is exempt based on full costs (see Appendix F of this Part), or the license fee is to be based on Section 331.110 of this Part, the license fee shall be based on the primary material use category authorized by the license prior to the anniversary date. Application for which a fixed fee is prescribed in Appendix B of this Part shall be accompanied by a remittance in the full amount of the fee. No application will be processed prior to payment of the full amount specified.
- 2) For applications covering only one material use category, the prescribed fee shall be the fee for the appropriate category as specified in Appendix B. For licenses covering more than one material use category, the fee shall be 100% of the highest fee for a material use category for which a fee is due, plus 90% of the fee listed for each other material use category for which a fee is listed.
- 2) a) Annual remote site fee: Multiple-use locations: For each remote site, additional permanent jobsites where radioactive material is stored or used under the same license, the applicant must submit the amount specified in Appendix F of this Part for each remote site that corresponds to the highest material use category authorized by the license for each site. The licensee shall remit the remote site fee prior to the anniversary date. 20% of the applicable material use category fee for each additional site--the total additional fee submitted for multiple-use locations shall not exceed 100% of the application fee for that material use category.
- 3) Changing the primary material use category: An application for amendment to a materials license that would change the primary material use category to a new primary material use category with a higher fee shall be accompanied by the difference between the applicable annual fees as determined by the following formula:

$$F = H - L$$

where:



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F = Total fee due.

H = Higher fee required by new primary material use category.

L = License fee for the primary material use category

currently authorized by the license.

The same formula shall be used to calculate fees for each remote site authorized on the license.

- 4) The license fees listed in Appendix F of this Part B are assessed for a 12 month period beginning on the anniversary date until the license is terminated the term of the license.

- 5) Licensees requesting renewal of a license shall pay the license fee specified in Appendix B that will be in effect upon the expiration of the license. Applicants for new licenses and amendments will be assessed fees specified in Appendix F on this Part B based upon the date the application is received in the Department.

AGENCY--NPSB--Although--32--311--Adm--Code--330-330--requires licensees to request renewal of a license not less than 30 days prior to the expiration of the existing license; renewal fees will be calculated based upon the fees in effect on the expiration date of the license.

- 6) An educational institution (as defined in Section 31.30 of this Part) that seeks or has a license authorizing possession and use of radioactive material for human use or remunerated leak testing or instrument calibration services to others shall pay 100% of the highest primary material use fee category for which a fee is due. For licensees covering more than one human use or remunerated service category, the fee shall be 100% of the highest fee for a material use category for which a fee is due plus 30% of the fee listed for each other material use category for which a fee is due. This fee will be assessed beginning with the first licensing action taken after August 17, 1994.

- b) Recovery and remediation fees listed in Appendix F of this Part shall be due annually on the anniversary date for a period of two years.

c) For categories of licenses that have fees based on full cost of review, as listed in Appendix F of this Part B, specific fees are to be assessed based on full cost of review. Fees shall be assessed for all new applications, evaluations, inspections, amendments (including minor amendments and amendments to terminate a license) and for monitoring of unlicensed properties contaminated with byproduct material (as defined in 32 Ill. Adm. Code 332.20) and assessing the decontamination and decontamination activities at such properties.

- 1) For categories of licenses based on full cost review, the licensee will be billed quarterly. The Department will incur the unpaid full cost of review for the Department and Section 331.200(c) of this Part in excess of the amount of the deposit, whichever is earlier. Each bill will identify the applications and the costs

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related to each. Payment is due within 60 days after the date of billing 45 days of receipt of the bill.

- 2) For the first application of a license after April 1, 1998 August 4, 1994, for which Appendix F of this Part B specifies that the review charges are based on full costs, the applicant shall submit the deposit prescribed in Appendix F of this Part. Licensees that already have adequate deposits on file with the Department are not required to submit a deposit except as indicated in Subsection (b) of this Section. The Department has indicated that the Department will not accept a deposit of \$331.200(c) of this Part in excess of the amount of the deposit. Or upon completion of license amendment whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 60 days after the date of billing 45 days of receipt of the bill.

- 3) Applications for minor amendments to licenses subject to full cost reviews as specified in Appendix B shall pay those fees identified as minor amendment fees at the time the amendment is filed with the Department.

d) For evaluations of new sealed sources and devices, and amendments to existing sealed sources and device evaluations, fees shall be assessed based on the full cost of review. Each application for an evaluation of a new sealed source or device, or for an amendment to an existing sealed source or device evaluation, shall be accompanied by a deposit in the amount of \$500.00. The applicant will be billed or issued a refund upon the completion of the review. Each bill will identify the applications and the costs related to each. Payment is due within 60 days after the date of billing 45 days of receipt of the bill.

- e) For evaluations of financial surety cost estimates submitted to the Department, fees for Department review shall be assessed based on the full cost of review time in excess of one hour. Payment is due prior to issuance of amendment of the license. Adding material use categories:

- i) An application for amendment to a materials license that would add a material use category with a lower license fee must be accompanied by the total fee due for each new material use category as determined by the following formula:

F = A + B - N + H

Where

F = Total fee due

A = Number of years remaining on the license (partial

N = Years account as one full year in this calculation.

B = License fee for the new material use category.

- ii) An application for amendment to a materials license that would add a material use category with a higher fee must be accompanied



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be refunded exceeds the annual fees due, a refund shall be issued. No amendment to change the number of remote sites listed on the license or to change the primary material use category shall be approved until all fees are paid.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 331.130 Refunds

The following procedures rules will be followed by the Department when calculating refunds to licensees and applicants for materials licenses:

- a) For licensees with an expiration date prior to March 31, 2003, that have not converted to annual fees, and for which a fixed fee is prescribed in Appendix F of this Part: B, in

1) In the event that the Department terminates a license at the request of the licensee prior to the license expiration date, the Department will issue a prorated refund of ten percent of the license fees paid prior to April 1, 1998, for each remaining full year for which the license fee was paid.

2) In the event that the licensee requests to add a remote use site or change to a different primary material use category, prior to the license expiration date, the Department will issue a credit or prorated refund of ten percent of the license fees paid prior to April 1, 1998, for each remaining full year for which the license fee was paid.

- b) For new license applications received prior to April 1, 1998, licenses for which a fixed fee is prescribed in Appendix-B, in the event that the applicant withdraws, or the Department abandons or denies an application prior to issuance of the license document, the Department will issue a refund totalling 50% 88% of the total fee submitted for that license action.

c) For licenses for which the license fee is based on full cost review, and for applications for sealed source and device evaluations, in the event that the applicant withdraws, or abandons, or the Department denies an application prior to issuance of the evaluation sheet or initial license, the Department will issue a refund totalling the deposit submitted for that application minus the full cost expenses incurred but not paid by the applicant. In the event the expenses incurred exceed the deposit, the applicant will be billed for the unpaid balance of full cost expenses as defined in Section 331.200 of this Part. Each bill will identify the application and the related costs. Payment is due within 60 days after the date of billing 45 days-of-receipt.

- d) For licenses for which the fee is based on full cost review, and for sealed source and device evaluations, upon termination of the license or issuance of a sealed source or device evaluation sheet, the Department will issue a refund totalling the deposit submitted, minus

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any outstanding full cost expenses. In the event that expenses incurred exceed the deposit, the applicant will be billed for the unpaid balance of full cost expenses as defined in Section 331.200 of this Part. Each bill will identify the applications and the related costs. Payment is due within 60 days after the date of billing 45 days-of-receipt.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 331.310 Failure By Applicant, Registrant or Licensee To Pay Prescribed Fee

In any case where the Department finds that an applicant, registrant or a licensee has failed to pay a prescribed fee required in this Part, the Department will not process the application and will return the application to the applicant with an explanation that the application is being returned because fees have not been paid. In addition, the Department will have the authority to suspend or revoke, in accordance with 32 Ill. Adm. Code 200.930-500, authorization to use radioactive material, and any license issued to the applicant or licensee for which if all required license fees have not been paid.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 331. APPENDIX D Fee Schedule For Radioactive Material Licenses  
(Repealed)

MATERIALS-USE-CATEGORIES

PBP-PAYABLE:  
August-17-1994

101

Radioactive Material (as defined in 32-III--Adm--Code  
310-207)

A: Type---A---Broad---Scope---Manufacturing---and/or  
Distribution---licenses---as---specified---in---32-III--  
Adm--Code--330-270---for---possession---and---use---of  
radioactive---material---as---sealed---sources---in---a  
manufacturing---radioactive---material---or---items  
containing---radioactive---material---for---commercial  
distribution---including---but---not---limited---to  
manufacturing---of---a---chemical---mixture---compound  
solution---or---alloy---which---is---listed---in---32-III--Adm--  
Code--330-307

License-Fee:

\$19,529

B: Other---Manufacturing---and/or---Distribution---licenses  
for---possession---and---use---of---radioactive---material---and  
for---processing---or---manufacturing---radioactive  
material---or---items---containing---radioactive---material  
for---commercial---distribution---including---but---not  
limited---to---manufacturing---of---a---chemical---mixture  
compound---solution---or---alloy---which---is---listed---in---32-  
III--Adm--Code--330-307

License-Fee:

\$10,496

C: Distribution---licenses---authorizing---distribution---of  
radioactive---material---or---items---containing  
radioactive---material---not---involving---processing---or  
manufacturing---of---radioactive---material

License-Fee:

\$3,563

D: Category-I-irradiator---licenses---for---possession---and  
use---of---radioactive---material---as---sealed---sources---in---a  
Category-I-irradiator:

License-Fee:

\$1-065

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MATERIALS-USE-CATEGORIES

PBP-PAYABLE:  
August-17-1994

B: Category-II,III-or-IV-irradiator---licenses---for  
possession---and---use---of---less---than---10,000---curies---of  
radioactive---material---as---sealed---sources---in---a  
Category-II,III---Category-III---or---Category-IV  
irradiator:

License-Fee:

\$-6,093

E: Category-II,III-or-IV-irradiator---licenses---for  
possession---and---use---of---10,000---curies---or---more---of  
radioactive---material---as---sealed---sources---in---a  
Category-II,III---Category-III---or---Category-IV  
irradiator:

License-Fee:

\$11,932

G: Type---A---Broad---Scope---Research---and  
Development---licenses---as---specified---in---32-III--  
Adm--Code--330-270---for---possession---and---use---of  
radioactive---material---for---research---and---development  
that---do---not---authorize---commercial---distribution:

License-Fee:

\$-5,017

H: Other---Research---and---Development---licenses---for  
possession---and---use---of---radioactive---material---for  
research---and---development---that---do---not---authorize  
commercial---distribution

License-Fee:

\$-3,886

I: Services---licenses---that---authorize---services---for  
other---licensees---including---but---not---limited---to  
leak---testing---instrument---calibration---and---sample  
analysis---but---not---including---waste---disposal  
transportation---or---radioactive---waste---broker  
services:

License-Fee:

\$-5,226

J: Gas---Chromatographs---and---X-Ray---Fluorescence  
Analyzers---licenses---for---possession---and---use---of  
radioactive---material---in---sealed---sources---or---detector  
cells---for---use---in---gas---chromatographs---and---X-ray



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## MATERIAL-USE-CATEGORIES

FEE-PAYABLE:  
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## fluorescence analyzers:

License-Fee:

\$-1,740

Kr Other---all-other---specific-radioactive-material licenses---not-specified-elsewhere---in-this---fee schedule---including---but-not-limited-to---licenses for-possession-and-use-of-radioactive-material---in sealed-sources---for---use---in---fixed---and---portable gauges:

License-Fee:

\$-3,757

102

Wireline-Service-Operations-(as-defined-in-32-III-Adm-Code-351)

Ar Wireline-Service-Operations---licenses-specified authorizing-use-of---radioactive-material-for wireline-services-with-surveys-and-tracer-studies other-than-field-flooding-tracer-studies:

License-Fee:

\$-4,749

Br Field-Flood---Studies---licenses---specifically authorizing---use---of---radioactive-material---for wireline-services-with-surveys-tracer-studies---or field-flood-tracer-studies:

License-Fee:

\$-9,400

103

Industrial-Radiography-(as-defined-in-32-III-Adm-Code 369)

Industrial-Radiography---at---Permanent---and---temporary jobsites---licenses---specifically-authorizing---use---of radioactive-material---for---industrial-radiography---at Permanent-or-temporary-jobsites:

License-Fee:

\$12,004

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## MATERIAL-USE-CATEGORIES

FEE-PAYABLE:  
August-17-1994

104

Human-use-of-radioactive-material:

Ar Type-----A-----Brod-----Scope-----Medica-----and Teletherapy---licenses-(as-specified-in-32-III-Adm-Code-330-370)-authorizing-human-use-of radioactive-material---including---research---and development---including-use-of-radioactive-material---in sealed-sources-contained-in-teletherapy-devices for-human-use-of-radioactive-material-and-for-the irradiation-of-other-items:

License-Fee:

\$-9,135

Br Teletherapy---licenses-for-possession-and-use-of radioactive-material---sealed-sources-contained-in teletherapy-devices-for-medical-use-of-radioactive material-and-for-the-irradiation-of-other-items:

License-Fee:

\$-6,002

Cr Medical-Use---licenses-for-human-use-of-radioactive material-except-licenses-for-radioactive-material in-sealed-sources-contained-in-teletherapy-devices and-Type-A-specific-license-of-broad-scope:

License-Fee:

\$-4,944

Br Diagnostic-Medical-Use---Licenses---restricted-to only-the-diagnostic-human-use-of---radioactive material-listed-in-32-III-Adm-Code-335-SUPPARE Br---SUPPARE---DICTION---AND---EXCRETION---SUPPARE Br---IMAGING-AND---LOCALIZATION---SUPPARE---G---SEABED SOURCES-FOR-DIAGNOSIS, and-in-vitro-kits-except-as specified-in-32-III-Adm-Code-330-280(f):

License-Fee:

\$-3,667

Er Limited-Medical-Use---licenses-restricted-to-only the-human-use-of-radioactive-material-specified-in 32-III-Adm-Code-335-SUPPARE-Di---SUPPARE, DICTION AND-EXCRETION:

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## MATERIALS-USE CATEGORIES

PB9-PAYABLE:  
August-17-1994

## License-Fee:

9--095

145

## General Licenses

Source Licenses (as specified in 32 Ill. Adm. Code 310-20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332-20)

## License-Fee:

9--246

146

A: Material Licenses for possession and use of source material in recovery operations such as milling in situ leaching heap leaching or buying stations ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode

B: Possession and Use of Source and Byproduct Material Licenses for possession and use of source material in recovery operations such as milling in situ leaching heap leaching or buying stations ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode

## License/Amendment-Fee:

925,000-Deposit  
+ Pull-Cost

## Minor-Amendment-Fee:

9--360

B: Possession and use of source material licenses for possession and use of source material that require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material. This does not include specific licenses authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories

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## MATERIALS-USE CATEGORIES

PB9-PAYABLE:  
August-17-1994

## License/Amendment-Fee:

925,000-Deposit  
+ Pull-Cost

145

## General Licenses

Source Licenses (as specified in 32 Ill. Adm. Code 310-20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332-20)

## License-Fee:

9--095

146

A: Material Licenses for possession and use of source material in recovery operations such as milling in situ leaching heap leaching or buying stations ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode

B: Possession and Use of Source and Byproduct Material Licenses for possession and use of source material in recovery operations such as milling in situ leaching heap leaching or buying stations ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode

## License/Amendment-Fee:

925,000-Deposit  
+ Pull-Cost

## Minor-Amendment-Fee:

9--360

B: Possession and use of source material licenses for possession and use of source material that require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material. This does not include specific licenses authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories

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## NATURAL-USE CATEGORIES

PER-PAYABLE:  
August-17-1994

Minor-Amendment-Per

9--360

B. Other-----low-level-----radioactive-----waste-----licenses  
authorizing other methodologies for disposal of  
low-level radioactive waste:

License/Amendment-Per

910-080-Deposit  
+Full-Cost

Minor-Amendment-Per

9--360

100

Nuclear-----landfills-----licenses-----for-----commercial-----collection  
and-----handling-----of-----items-----contaminated-----with-----radioactive  
material:

License-Per

9-0-103

109

Decontamination-----facilities-----licenses-----that-----authorize  
receipt-----of-----items-----contaminated-----with-----radioactive-----material  
for-----the-----purpose-----of-----decontaminating-----such-----items:

License/Amendment-Per

910-080-Deposit  
+Full-Cost

Minor-Amendment-Per

9--360

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective  
\_\_\_\_\_)

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Section 31. APPENDIX E Primary Material Use Categories for Radioactive  
Material Licenses and Registrants

Fee Primary Material  
Category Use Category Description

## MANUFACTURING/DISTRIBUTION

201A. Type A Broad Scope Manufacturing and/or Distribution - licenses  
(as specified in 32 Ill. Adm. Code 330.270) for possession and  
use of radioactive material for research and development, and  
processing or manufacturing radioactive material or items  
containing radioactive material for commercial distribution,  
including, but not limited to, nuclear pharmacy operations, or  
manufacturing of a chemical mixture, compound, solution or  
alloy which is listed in 32 Ill. Adm. Code 330.30.

201B.

Specific Manufacturing and/or Distribution - licenses for  
possession and use of greater than one curie (37 GBq) of  
radioactive material for research and development, and  
processing or manufacturing radioactive material or items  
containing radioactive material for commercial distribution,  
including, but not limited to, manufacturing of a chemical  
mixture, compound, solution or alloy which is listed in 32 Ill.  
Adm. Code 330.30.

201C.

Nuclear Pharmacy and Limited Manufacturing and/or  
Distribution - this category of radioactive material licenses  
addresses two similar types of licenses, either:

nuclear pharmacy licenses for possession, use and  
distribution of radiopharmaceuticals and sealed sources; or  
licenses for possession and use of not more than one curie  
(37 GBq) of radioactive material for research and  
development, and processing or manufacturing of radioactive  
material for commercial distribution, including, but not  
limited to, manufacturing of a chemical mixture, compound,  
solution or alloy which is listed in 32 Ill. Adm. Code  
330.30.

201D.

Distribution - licenses authorizing receipt, storage and  
distribution of radioactive material or items containing  
radioactive material, not involving processing or manufacturing  
of radioactive material.

## IRRADIATORS



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202A.

Category I Irradiator - licenses for possession and use of radioactive material as sealed sources in a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is not physically possible because of the design of the irradiator.

202B.

Category II, III or IV Irradiator - licenses for possession and use of less than 10,000 curies (370 TBq) of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:

contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;

contained in a storage pool (usually containing water), the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use; or

contained in a storage pool (usually containing water), is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

202C.

Category II, III or IV Irradiator - licenses for possession and use of 10,000 curies (370 TBq) or more of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:

contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;

contained in a storage pool (usually containing water), the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use; or

contained in a storage pool (usually containing water), is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use

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by an entry control system.

## RESEARCH AND DEVELOPMENT

203A.

Type A Broad Scope Research and Development - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development that do not authorize commercial distribution.

203B.

Other Research and Development - licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution.

## PORTABLE AND FIXED GAUGES

204A.

Gas Chromatographs and Fixed X-Ray Fluorescence Analyzers - specific licenses for possession and use of radioactive material in sealed sources for use in gas chromatographs or fixed x-ray fluorescence analyzers.

204B.

Portable Gauges and Portable X-Ray Fluorescence Analyzers - specific licenses for possession and use of radioactive material as sealed sources for use in portable gauges or x-ray fluorescence analyzers.

204C.

Fixed Gauges - specific licenses for possession and use of radioactive material as sealed sources for use in fixed gauges.

## SERVICE

205A.

Service - licenses that authorize services for other persons, including, but not limited to, testing of sealed sources for leakage or contamination, instrument calibration and sample analysis, but not including waste disposal, transportation or radioactive waste broker services.

205B.

Nuclear Laundries - licenses for commercial collection and laundering of items contaminated with radioactive material.

205C.

Decontamination Facilities - licenses that authorize receipt of items contaminated with radioactive material for the purpose of decontaminating such items.

## WIRELIN (Well-Logging)

206.

Wireline Service Operations (as defined in 32 Ill. Adm. Code 351) - licenses specifically authorizing use of radioactive material for wireline services, well surveys and tracer

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## studies.

## INDUSTRIAL RADIOGRAPHY

## 207.

Industrial Radiography (as defined in 32 Ill. Adm. Code 350) - licenses specifically authorizing use of radioactive material for industrial radiography at permanent or temporary jobsites.

## MEDICAL/VETERINARY

## 208A.

Type A Broad Scope Medical/Veterinary Use - Type A broad scope licenses as specified in 32 Ill. Adm. Code 330.220 authorizing diagnostic and/or therapeutic veterinary or human use of radioactive material. These licenses include research and development or use of radioactive materials as sealed sources contained in teletherapy or high dose rate remote afterloader devices.

## 208B.

Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader - licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material that include authorization for possession and use of radioactive material as sealed sources contained in teletherapy or high dose rate remote afterloader devices for medical or veterinary use and for the irradiation of other items.

AGENCY NOTE: Possession of a teletherapy unit that is out of service and in storage only does not mean the primary radioactive material use category is the teletherapy category described in 208B. Such licensees should review the other categories to determine their primary radioactive material use category. If this is the only material possessed under a specific license, then see category 212B.

## 208C.

Medical/Veterinary Use - licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material.

## 208D.

Diagnostic Use Only - licenses restricted to only the diagnostic human or veterinary use of radioactive material for uptake, dilution, excretion, imaging or localization studies. Sealed sources for diagnosis and in vitro kits, except as specified in 32 Ill. Adm. Code 330.220(f).

## 208E.

Limited Medical/Veterinary Use - licenses restricted to only the human or veterinary use of radioactive material for uptake, dilution and excretion studies.

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## 208F.

Mobile Nuclear Medicine - licenses authorizing the use of radioactive material for diagnostic or therapeutic human or veterinary use at temporary jobsites.

## REGISTRANTS (GENERAL LICENSES)

## 209A.

General licenses for kits - radioactive material (as specified in 32 Ill. Adm. Code 330.220(f)) for certain in vitro clinical or laboratory testing.

## 209B.

Facilities with Generally Licensed Devices - facilities registered with the Department to possess or use radioactive material (as specified in 32 Ill. Adm. Code 330.220(b)) except for material contained in devices designed and manufactured for the purpose of producing a light, and material in the form of sealed sources used in devices with a maximum activity less than or equal to 37 MBq (1 mCi).

## SOURCE MATERIAL

## 210A.

Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332.20) - licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium. Including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode.

## 210B.

Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) - licenses for possession and use of source material that require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material, nor does it include specific licenses authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories 201A, B and C of this Section.

## WASTE DISPOSAL AND TREATMENT FACILITIES

## 211A.

Low-level Radioactive Waste Disposal Facilities - licenses issued pursuant to 32 Ill. Adm. Code 601 specifically authorizing the disposal of low-level radioactive waste away from the point of generation.

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211B. Low-Level Radioactive Waste Treatment Facilities - licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for treatment away from the point of generation, and transfer to a person authorized to receive or dispose of the material.

211C. Centralized Low-Level Radioactive Waste Storage Facilities - licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for storage away from the point of generation, and transfer to a person authorized to receive or dispose of the material.

211D. Other Low-Level Radioactive Waste - licenses authorizing other methodologies for disposal of low-level radioactive waste.

## OTHER

212A. Storage Only - licenses authorizing storage only of radioactive material for eventual disposal, and does not include facilities described as Centralized Low-Level Radioactive Waste Storage Facilities.

212B. Possession Incident to Exempt Distribution - licenses authorizing possession, receipt, storage and repackaging of byproduct radioactive material for eventual distribution to persons exempt under a specific license issued by the U.S. Nuclear Regulatory Commission.

AGENCY NOTE: The U.S. Nuclear Regulatory Commission maintains sole authority to issue licenses authorizing distribution of exempt quantities of byproduct radioactive material. However, those licenses do not authorize storage of such material at facilities in Illinois; therefore, a separate license must be obtained from the Department for possession of such material.

212C. Other - all other specific radioactive material licenses not specified elsewhere in this A. index.

212D. Reciprocity for Exhibition and Demonstration Only - licenses authorizing only exhibition or demonstration of devices for a period of not greater than 180 days in any 12-month period.

212E. Sealed Source and Device Evaluation Maintenance Fee - a fee per active evaluation sheet maintained by the Department.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 331, APPENDIX F Fee Schedule for Radioactive Material Licenses

Primary Category	Description	Annual Fee	Recovery and Remediation Site Fee
<b>MANUFACTURING/DISTRIBUTION</b>			
201A.	Type A Broad Scope Manufacturing and/or Distribution	\$6,413	\$27,772
201B.	Specific Manufacturing and/or Distribution	\$4,627	\$27,112
201C.	Nuclear Pharmacy and Limited Manufacturing and/or Distribution	\$2,178	\$ 990
201D.	Distribution	\$1,025	\$ 283
<b>IRRADIATORS</b>			
202A.	Category I Irradiator	\$ 626	\$ 145
202B.	Category II, III, or IV Irradiator (less than 10,000 curies (370 TBq))	\$2,565	\$1,500
202C.	Category II, III or IV Irradiator (10,000 curies (370 TBq) or more)	\$4,306	\$3,800
<b>RESEARCH AND DEVELOPMENT</b>			
203A.	Type A Broad Scope Research and Development	\$3,939	\$1,980
203B.	Other Research and Development	\$1,613	\$ 707
<b>PORTABLE AND FIXED GAUGES</b>			
204A.	Gas Chromatographs and Fixed X-Ray	\$ 488	\$ 161

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204B.	Fluorescence Analyzers	\$ 523	\$3.00	\$ 198	
	Portable Gauges and Portable X-Ray Fluorescence Analyzers				
204C.	Fixed Gauges	\$ 657	\$3.00	\$ 198	
	<u>SERVICE</u>				
205A.	Service	\$1,287	\$3.00	\$ 309	
205B.	Nuclear Laundries	\$3,948	\$3.00	\$1,386	
205C.	Decontamination Facilities (One-Time Deposit of \$10,000)	Full Cost	\$3.00	N/A	

## WIRELINE (Well Logging)

206.	Wireline Service Operations	\$1,148	\$3.00	\$ 495	
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## INDUSTRIAL RADIOGRAPHY

207.	Industrial Radiography	\$2,733	\$3.00	\$1,320	
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## MEDICAL/VETERINARY

208A.	Type A Broad Scope Medical/Veterinary Use	\$5,529	\$3.00	\$2,772	
208B.	Medical/Veterinary Use Including Use of X-ray and/or Hand Decontamination Remote Afterloader	\$2,035	\$3.00	\$ 924	
208C.	Medical/Veterinary Use	\$1,189	\$3.00	\$ 528	
208D.	Diagnostic Use Only	\$ 789	\$3.00	\$ 339	

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208E.	Limited Medical/Veterinary Use	\$ 728	\$3.00	\$ 308	
208F.	Mobile Nuclear Medicine	\$1,485	\$3.00	\$ 594	
	<u>REGISTRANT GENERAL LICENSES</u>				
209A.	General Licenses for Kits	\$ 100	\$3.00	N/A	
209B.	Facilities with Generally Licensed Devices	\$ 350	\$3.00	N/A	

## SOURCE MATERIAL

210A.	Possession and Use of Source Material and Byproduct Material (One-time Deposit of \$25,000)	Full Cost	\$3.00	N/A	
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210B.	Possession and Use of Source Material (One-time Deposit of \$25,000)	Full Cost	\$3.00	N/A	
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## WASTE DISPOSAL AND TREATMENT FACILITIES

211A.	Low-Level Radio-Active Waste Disposal Facilities (One-time Deposit of \$25,000)	Full Cost	\$3.00	N/A	
211B.	Low-Level Radio-Active Waste Treatment Facilities (One-time Deposit of \$25,000)	Full Cost	\$3.00	N/A	
211C.	Centralized Low-Level Radioactive Waste Storage Facilities (One-time Deposit of \$25,000)	Full Cost	\$3.00	N/A	
211D.	Other Low-Level Radioactive Waste	Full Cost	\$3.00	N/A	

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(One-time Deposit of  
\$25,000)

## OTHER

212A.	Storage Only	\$ 475	\$100	\$ 176
212B.	Possession Incident to Exempt Distribution	\$ 723	\$100	\$ 264
212C.	Other (uses not specified elsewhere in this schedule)	\$ 613	\$130	\$ 220
212D.	Reciprocity for Exhibition and Demonstration Only	\$ 150	N/A	N/A
212E.	Sealed Source and Device Evaluation Maintenance Fee	\$ 200	N/A	N/A

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Volunteered Location(s) Procedures for Selecting a Site for the Development of a Low-Level Radioactive Waste Disposal Facility
- 2) Code Citation: 32 Ill. Adm. Code 610
- 3) Section Number:  
610.10 Repeal  
610.20 Repeal  
610.30 Repeal  
610.40 Repeal
- 4) Statutory Authority: Implementing and authorized by Section 10.2 of the Illinois Low-Level Radioactive Waste Management Act (420 ILCS 20/10.2).
- 5) A. Complete Description of the Subjects and Issues Involved: The Department of Nuclear Safety is proposing to repeal this Part since the provisions of this rule are obsolete and no longer reflect the requirements contained in the Low-Level Radioactive Waste Management Act as amended by P.A. 90-29.
- 6) Will this proposed repealer replace an emergency rule currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The repeal of this Part is not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:  
  
Thomas J. Carlisle  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9884 (voice)



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED REPEALER

(217) 792-6133 (TDD)

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department does not believe that this repealer will have a significant effect on any small business, small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Procedures previously required under this Part are being repealed.

C) Types of professional skills necessary for compliance: Compliance with this Part is being repealed.

13) Regulatory Agenda on which this rulemaking was summarized: This repealer was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Repealer begins on the next page:

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED REPEALER

TITLE 32: ENERGY

## CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER 6: LOW LEVEL RADIOACTIVE WASTE/TRANSPORTATION  
PART 610.10VOLUNTEERED LOCATION(S) PROCEDURES FOR SELECTING A SITE FOR THE  
DEVELOPMENT OF A LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY (REPEALED)

## Section

610.10 Purpose and Scope

610.20 Definitions

610.30 Procedures for Volunteering a Location for Consideration

610.40 Timelines for Submitting Proposals for Volunteering a Location for Consideration

AUTHORITY: Implementing and authorized by Section 10.2 of the Illinois Low-Level Radioactive Waste Management Act (420 ILCS 20/10.2).

SOURCE: Adopted at 20 Ill. Reg. 1186, effective January 8, 1996; repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 610.10 Purpose and Scope

- a) The purpose of this Part is to establish the policies and procedures to be followed by the Director of the Department of Nuclear Safety (Director) when accepting a proposal from a land owner or unit of local government for volunteering lands for consideration as a site for the development of a low-level radioactive waste disposal facility.
- b) The Illinois Low-Level Radioactive Waste Management Act (the Act) (420 ILCS 20) directs the Illinois State Geological and Water Surveys (Scientific Surveys) to screen the State of Illinois and identify at least 10 locations, each of at least 640 acres, that appear likely to meet the criteria established by the Low-Level Radioactive Waste Task Group (Task Group).
- c) In addition to screening the State of Illinois, the Illinois State Geological and Water Surveys are also directed to evaluate any location of at least 640 acres that is volunteered by a land owner or unit of local government to determine whether the volunteered location appears likely to meet the established criteria for volunteering.
- d) The Act does not specify to whom the locations should be volunteered; however, the Task Group has requested the Department of Nuclear Safety (Department) to establish a process by which volunteered locations could be considered.
- e) In keeping with the spirit of preferring volunteered locations, it is the intent of the Department to allow ample opportunity for any land owner or unit of local government to submit for evaluation a proposal

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED REPEALER

for a volunteered location.

- f) Land owners or units of local government may contact the Chief of the Division of Low-Level Radioactive Waste Management, Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704, for further information regarding the procedures described in this Part.

## Section 610.20 Definitions

As used in this Part, the following definitions shall apply:

"Contractor" means the contractor selected by the Department under Section 5 of the Act to develop the low-level radioactive waste disposal facility.

"Land owner" means a person in whom title, ownership, or dominion is vested regarding a portion of real property. A holder of a mere option to purchase is not considered to be a land owner.

"Person" means an individual, corporation, business enterprise or other legal entity either public or private and any legal successor, representative, agent or agency of that individual, corporation, business enterprise, or legal entity.

"Option to purchase" means a privilege existing in one person for which that person has tendered payment, giving the person the right, if the person so chooses, to buy land from the owner of that realty at any time within an agreed period for a specified, fixed price.

"Unit of local government" means counties, municipalities, townships, special districts, and units designated as units of local government by law that exercise limited governmental powers or powers in respect to limited government subjects, but does not include school districts.

"Volunteered location" means lands consisting of, at a minimum, 640 acres to be considered as a proposed site for the development of a low-level radioactive waste disposal facility.

## Section 610.30 Procedures for Volunteering a Location for Consideration

Any land owner or unit of local government may propose that a location of at least 640 acres be considered as a volunteered location for the proposed development of a low-level radioactive waste disposal facility. Land owners owning contiguous properties may jointly volunteer a location to meet the 640-acre minimum size requirement. Units of local government are not required to own the location being volunteered. Before any studies are conducted on land that is volunteered by a unit of local government, the Department shall provide written notice to the owner of the land, in accordance with Section

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED REPEALER

21.1 of the Illinois Low-Level Radioactive Waste Management Act (420 ILCS 20/21.1).

- a) A volunteered location proposal for consideration shall be in writing and addressed to the Director, Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704.
- b) The volunteered location proposal shall provide a description of the location being volunteered (e.g., plat survey containing the legal description of the property).
- c) The proposal's land owners shall provide a description of the proposed ownership.
- d) The Director shall provide a copy of all volunteered location proposals to the Scientific Surveys for inclusion in the screening process or to the contractor after the locations have been identified dependent on the timeframe identified in Section 610.40 of this Part.

## Section 610.40 Timelines for Submitting Proposals for Volunteering a Location for Consideration

- a) For land to be considered during the Scientific Surveys' screening process, locations must be volunteered no sooner than the formal adoption of site-selection criteria by the Task Group and no later than 60 days after the publication of the criteria.
- b) After the Scientific Surveys have identified ten or more locations, land owners or units of local governments may volunteer locations for consideration that are within the boundaries of the locations identified by the Scientific Surveys.
- c) Land owners or units of local government will be allowed to volunteer locations as provided in subsection (b) of this Section, but no later than 3 months after the contractor begins to evaluate the locations for site selection.
- d) The contractor will consider locations volunteered under subsection (c) of this Section in addition to the previously volunteered locations that remain after the Scientific Surveys' screening process is completed.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Certified Local Health Department Code
- 2) Code Citation: 77 Ill. Adm. Code 600
- 3) Section Numbers: Proposed Action:  
600.110 Amendment  
600.200 Amendment  
600.210 Amendment
- 4) Statutory Authority: Implementing and authorized by Division 5-25 of the Counties Code (55 ILCS 5); the Public Health District Act (70 ILCS 905); the Illinois Municipal Code (65 ILCS 5); and Section 55 of the Civil Administrative Code of Illinois (20 ILCS 2310/55).
- 5) A Complete Description of the Subjects and Issues Involved: The Department's rules specifying the procedures for certification of local health departments are being amended to delete certain obsolete references to time frames that were necessary when the rules were first adopted in 1993. The time frames were originally included to facilitate the transition from a system of recognized local health departments that carried out ten required public health programs to a system in which programs are developed by local health departments to address locally identified needs.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Renewal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? No
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandates on units of local government.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Gail M. DeVito  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, IL 62761  
(217)782-2043  
e-mail: rules@idph.il.state.us

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:  
A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: None  
B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None  
C) Types of Professional Skills Necessary for Compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for this rulemaking was not apparent at the time the Department filed its most recent regulatory agendas.

The full text of the proposed amendments begin on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER B: LOCAL HEALTH DEPARTMENTS  
PART 600  
CERTIFIED LOCAL HEALTH DEPARTMENT CODE

## SUBPART A: GENERAL

Section  
600.100  
600.110  
Statement of Purpose  
Definitions

## SUBPART B: CERTIFICATION APPLICATION REQUIREMENTS

Section  
600.200  
600.210  
Provisional Certification  
Certification

## SUBPART C: PERSONNEL REQUIREMENTS

Section  
600.300  
600.310  
600.320  
600.330  
Executive Officer  
Public Health Administrator  
Medical Health Officer  
Denial of Personnel Application

## SUBPART D: PRACTICE STANDARDS

Section  
600.400  
600.410  
Public Health Practice Standards  
Requirements for IPLAN or an Equivalent Planning Process

## SUBPART E: DUE PROCESS

Section  
600.500  
600.510  
Denial, Suspension or Revocation of Certification  
Procedures for Hearings

AUTHORITY: Implementing and authorized by Division 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois [20 ILCS 2310/55].

SOURCE: Filed April 17, 1968; emergency amendment at 5 Ill. Reg. 11091, effective October 1, 1981, for a maximum of 150 days; rules repealed, new rules adopted at 6 Ill. Reg. 2716, effective March 1, 1982; codified at 8 Ill. Reg. 18914; amended at 14 Ill. Reg. 840, effective January 1, 1990; new Part adopted

## DEPARTMENT OF PUBLIC HEALTH

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by emergency rule at 17 Ill. Reg. 12918, effective July 21, 1993, for a maximum of 150 days; emergency repealer at 17 Ill. Reg. 13115, effective July 21, 1993, for a maximum of 150 days; emergency expired on December 18, 1993; Part repealed, new Part adopted at 18 Ill. Reg. 4276, effective March 1, 1994; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

## Section 600.110 Definitions

For the purposes of this Part, the words and phrases defined herein shall have the following meanings:

"Certification" and "Certified" means certification granted to a local health department that meets the requirements set forth in Section 600.210 and Subparts C and D of this Part and is so designated by the Department.

"Community participation" means involvement by representatives of various community interests and groups. (Agency Note: Examples of such interests or groups are ethnic and racial groups, the medical community, mental health and social service organizations, the cooperative extension service, schools, law enforcement organizations, voluntary organizations, the clergy, the business community, economic development agencies, unions, and senior citizens.)

"Contributing factor" means a scientifically established factor that directly affects the level of a risk factor.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health or his designee.

"Equivalent to IPLAN" means an assessment and planning process approved by the Department which meets the requirements set forth in Section 600.410.

"Healthy People 2000" means National Health Promotion and Disease Prevention Objectives, U.S. Department of Health and Human Services, Public Health Service, DHHS publication number (PHS) 91-50212. Healthy People 2000 contains a national strategy for significantly improving the health of the nation during this decade and contains measurable targets for striving toward health promotion and prevention of injuries and diseases.

"Impact objective" means a goal for the level to which a health problem should be reduced. An impact objective is intermediate in

## DEPARTMENT OF PUBLIC HEALTH

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length of time and measurable.

"Indirect contributing factor" means a community-specific factor that directly affects the level of the direct contributing factors. These factors can vary greatly from community to community.

"IPLAN" means the Illinois Project for Local Assessment of Needs, a process developed by the Department to meet the requirements set forth in Section 600.410. IPLAN is a series of planning activities conducted within the local health department jurisdiction resulting in the development of an organizational capacity assessment, a community health needs assessment, and a community health plan.

"IPLAN Data System" means a data base developed by the Department that contains the required data sets to measure community health indicators for assessment purposes.

"Legally authorized representative" means the person empowered to act on behalf of the local health department and board of health in such matters as executing contracts, signing applications, and undertaking other major administrative tasks.

"Local health department" means a local governmental agency that administers and assures health-related programs and services within its jurisdiction.

"Mandate" or "Mandated program" means those programs and activities that are statutorily required of local health departments by a legislative body, such as a city council, county board, or the General Assembly.

"Outcome objective" means a goal for the level to which a health problem should be reduced. An outcome objective is long term and measurable.

"Proven intervention strategy" means intervention strategy demonstrated to be effective or used as a national model.

"Provisional Certification" and "Provisionally Certified" means certification granted to a local health department that meets the requirements for Provisional Certification set forth in Section 600.210 and is so designated by the Department.

"Recognized-local-health-department-means-a-local-health-department that-received-Basic-Health-Services-Grant-funds-or-Developmental-Health-Department-Grant-funds-during-all-or-part-of-State-Fiscal-Year 1993"

## DEPARTMENT OF PUBLIC HEALTH

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"Risk factor" means a scientifically established factor (determinant) that relates directly to the level of a health problem. A health problem may have any number of risk factors identified for it.

"Substantial compliance" means meeting the requirements set forth in this Part, except for variations from the strict and literal performance of such requirements which result in insignificant omissions and defects, given the particular circumstances and the incidence and history of such omissions and defects. Omissions and defects that have an adverse impact on public health and safety shall not be considered insignificant and shall be considered substantial noncompliance.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: CERTIFICATION APPLICATION REQUIREMENTS

## Section 600.200 Provisional Certification

a) A-Recognized-local-health-department-that-received-Developmental-Health-Department-Grant-funds-during-all-or-part-of-State-Fiscal-Year 1993--may apply for Provisional Certification-within-90-days-following the-effective-date-of-this-Party--Such-application-shall-be-submitted to-the-Department-by-letter-memorandum-or-similar-document-signed-by an-authorized-representative-and-shall-include-a-written-commitment-to-the-Department-to-complete-IPLAN-or-an-equivalent-to-IPLAN-by-June-30, 1995.

a)b) A local health department that serves one or more counties and that is not a Certified local health department may make application for Provisional Certification. A local health department that--is--not--a Recognized-local-health-department--as-defined-in-subsection-(a)-of this-Section--may make application for Provisional Certification--if--it serves--one--or--more--counties. Such application shall be submitted to the Department by letter, memorandum, or similar document signed by an authorized representative and shall include a written commitment to the Department to complete IPLAN or an equivalent to IPLAN within two years after Provisional Certification is granted.

b)c) Upon submission of complete application, the Department shall have 60 days to review the application for local health department that meets subsection (a) or (b) of this Section. Provisional Certification shall expire upon Certification of the local health department or two years after the date Provisional Certification was granted, whichever is shorter. Provisional Certification may be renewed as provided in subsection (c) 1) of this Section.

c)d) A local health department that has been granted Provisional Certification may apply for renewal of Provisional Certification.



## DEPARTMENT OF PUBLIC HEALTH

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Such application shall be made at least 30 days prior to expiration of the Provisional Certification by submitting to the Department a letter, memorandum, or similar document signed by an authorized representative. The application shall describe activities that the local health department performed during the current term of Provisional Certification and future activities that will be undertaken during the renewal term that would be expected to result in the completion of IPLAN or an equivalent to IPLAN.

- 1) Renewal applications that are complete and received by the Department no later than 30 days prior to the expiration of Provisional Certification shall be considered by the Department.
- 2) The first renewal of Provisional Certification shall be made if the Department determines, on the basis of the application, that the applicant can be expected to complete IPLAN or an equivalent to IPLAN by conclusion of the renewal term.
- 3) The second renewal of Provisional Certification shall be made if the Department determines, on the basis of a written explanation submitted by the local health department, that in addition to the application for renewal certification, the applicant is submitting to the Department a written explanation for why the applicant can be expected to complete IPLAN or an equivalent to IPLAN by conclusion of the second renewal term. The explanation shall include documentation of the incomplete elements of IPLAN or an equivalent to IPLAN with their expected completion dates and the reasons why the local health department did not complete IPLAN or an equivalent to IPLAN within the first renewal term.
- 4) A renewal of Provisional Certification granted by the Department shall not exceed 12 months.
- 5) No more than two renewals of Provisional Certification shall be granted to a local health department.
- d) A Provisionally Certified local health department is eligible to apply for a Local Health Department Development Grant, pursuant to the Department's Local Health Department Development Grant Rules (77 Ill. Adm. Code 610).
- e) The Department may conduct an on-site review of the local health department and such documents necessary to determine substantial compliance with this Section.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 600.210 Certification

- a) Certification--for--the--period--between--July--1--1993--and--December--31--1994--
  - 1) A--recognized--local--health--department--that--is--deemed--by--the--Department--to--meet--the--requirements--of--Subpart--C--and--which--within--30--days--following--the--effective--date--of--this--Party--has

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made--a--written--commitment--to--the--Department--to--complete--IPLAN--or--an--equivalent--to--IPLAN--by--June--30--1994--shall--receive--Certification--from--the--Department--the--written--commitment--shall--be--signed--by--an--authorized--representative--

- 2) Such--initial--Certification--granted--to--recognized--local--health--departments--shall--expire--on--or--before--December--31--1994--

ab) A Provisionally Certified local health department may apply for Certification, after the effective date of this Part. A local health department that was not a recognized local health department as defined in Section 600.110 on June 30, 1993, may apply for Certification if it serves one or more counties and submits an application to the Department after the effective date of this Part.

- 1) Such application shall be submitted to the Department on forms or in a format provided or prescribed by the Department and shall include a community health needs assessment and a community health plan in accordance with Subpart D of this Part. The application shall be signed by an authorized representative.

2) Upon receipt submission of a complete application, the Department shall have 60 days to review the application to determine if the applicant meets the personnel requirements set forth in Subpart C of this Part and the practice standards set forth in Subpart D of this Part.

- A) If the Department determines that the applicant is in substantial compliance with Subparts C and D of this Part, Certification shall be granted by the Department.
- B) If the Department determines that the applicant is not in substantial compliance with Subparts C and D of this Part, Certification shall be denied and the local health department shall be notified in writing of the denial of Certification. Such notification shall specify the reasons for denial of Certification and shall describe the right of the applicant to request a hearing to appeal the denial of Certification, pursuant to Section 600.510. Certification granted to local health departments that apply pursuant to this subsection shall expire five years following the date of Certification.

- b) Certification granted to local health departments that apply pursuant to this Section shall expire five years following the date of Certification.

c) A Certified local health department may apply for renewal of Certification.

- 1) Such an application shall be made at least 60 days prior to the expiration of the Certification period. An application shall be submitted to the Department on forms or in a format provided or prescribed by the Department and shall include a community health needs assessment and a community health plan in accordance with Subpart D of this Part. The application shall be signed by an authorized representative.

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2) Upon completion of a complete application, the Department shall have 60 days to review the application to determine if the applicant is in substantial compliance with the personnel requirements set forth in Subpart C of this Part and the practice standards set forth in Subpart D of this Part.

A) If the Department determines that the applicant is in substantial compliance with Subparts C and D of this Part, Certification shall be renewed by the Department for a five-year period.

B) If the Department determines that the applicant is not in substantial compliance with Subparts C and D of this Part, renewal of Certification shall be denied and the local health department shall be notified in writing of the denial of Certification. Such notification shall specify the reasons for denial of Certification and shall describe the right of the applicant to request a hearing to appeal the denial of Certification renewal, pursuant to Section 600.510.

d) A Certified local health department that at any time during the period for which the local health department has been granted Certification does not meet all applicable requirements for such Certification due to conditions or circumstances beyond the reasonable control of the local health department may make a written request to the Department for a waiver of the requirements set forth in Subparts C and D of this Part.

1) Conditions or circumstances beyond the reasonable control of the local health department shall include but not be limited to:

- A) Unanticipated or unavoidable lack of qualified personnel necessary to fulfill applicable requirements; or
- B) Disease outbreaks, natural disasters, and other unusual circumstances which may threaten the health and safety of residents and which require reassignment of personnel to protect the health and safety of residents within the local health department's jurisdiction.

2) The Department shall grant a waiver if it determines that the local health department meets the conditions or circumstances specified in subsection (d)(1)(A) and (B) of this Section. The Department shall notify the local health department of its decision within 10 working days after the receipt of the request.

A) A waiver shall be granted for a six-month period or until the conditions or circumstances referred to in subsections (d)(1)(A) and (B) subsection--(f) of this Section are remedied, whichever is shorter.

B) The Department may extend a waiver for two additional six-month periods. All requests for extension of waiver shall be received by the Department at least 15 working days prior to the expiration of the waiver period.

i) The first extension of the waiver shall be made if the

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Department determines, on the basis of a written explanation from the local health department, that reasonable progress has been made and the local health department can be expected to be in substantial compliance with applicable requirements of Certification on or before the conclusion of the first extended waiver period.

ii) The second extension of waiver shall be made if the Department determines, on the basis of a written explanation from the local health department, that reasonable progress has been made and the local health department can be expected to be in substantial compliance with applicable requirements of Certification on or before the conclusion of the second extended waiver period. The explanation shall include documentation of the applicable Certification requirements that are not being met, with the expected dates for completion and the reasons why the local health department was unable to achieve substantial compliance within the first extension period.

3) The Department shall review the local health department for substantial compliance with Certification requirements upon the expiration of the waiver period or upon request of the local health department. The Department's review shall include only those certification requirements that are the basis for the waiver.

A) If the Department, based upon its review, determines that the local health department meets the requirements set forth in Subparts C and D of this Part, the local health department shall be considered in substantial compliance with the requirements of Certification, and no further action shall be taken by the Department.

B) If the Department, based upon its review, determines that the local health department does not meet the requirements set forth in Subparts C and D of this Part and the waiver has expired, the Department shall notify the local health department of its option to request an extension of waiver under this Section.

C) If the Department, based upon its review, determines that the local health department does not meet the requirements set forth in Subparts C and D of this Part and the local health department's request was submitted prior to the expiration of the waiver period, the waiver shall continue until the end of the six-month period.

e) The Department may conduct an on-site review of the local health department and such documents necessary to determine substantial compliance with this Section.

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(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Licensing Standards for Day Care Centers

2) Code Citation: 89 Ill. Adm. Code 407

3) Section Numbers: Adopted Action:

407.1	Repealed
407.2	Repealed
407.3	Repealed
407.4	Repealed
407.5	Repealed
407.6	Repealed
407.7	Repealed
407.8	Repealed
407.9	Repealed
407.10	Repealed
407.11	Repealed
407.12	Repealed
407.13	Repealed
407.14	Repealed
407.15	Repealed
407.16	Repealed
407.17	Repealed
407.18	Repealed
407.19	Repealed
407.20	Repealed
407.21	Repealed
407.22	Repealed
407.23	Repealed
407.24	Repealed
407.25	Repealed
407.26	Repealed
407.27	Repealed
407.28	Repealed
407.29	Repealed
407.30	Repealed
407.31	Repealed
407.32	Repealed
407.33	Repealed
407.34	Repealed
407.35	Renumbered
407.40	New
407.45	New
407.50	New
407.55	New
407.60	New
407.65	New
407.70	New
407.80	New

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407.90 New  
 407.100 New  
 407.110 New  
 407.120 New  
 407.130 New  
 407.140 New  
 407.150 New  
 407.160 New  
 407.170 New  
 407.180 New  
 407.190 New  
 407.200 New  
 407.210 New  
 407.220 New  
 407.230 New  
 407.240 New  
 407.250 New  
 407.260 New  
 407.270 New  
 407.280 New  
 407.290 New  
 407.300 New  
 407.310 New  
 407.320 New  
 407.330 New  
 407.340 New  
 407.350 New  
 407.360 New  
 407.370 New  
 407.380 New  
 407.390 New  
 407.400 Renumbered  
 APPENDIX A Amend  
 APPENDIX B Amend  
 APPENDIX C Amend  
 APPENDIX D Amend  
 APPENDIX E Amend  
 APPENDIX F New  
 APPENDIX G New  
 APPENDIX H New

- 4) Statutory Authority: 225 ILCS 10  
 5) Effective Date of Amendments: January 1, 1998  
 6) Does this rulemaking contain an automatic repeal date? No  
 7) Do these amendments contain incorporations by reference? Yes

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- 8) Date filed in Agency's Principal office: December 31, 1997  
 9) Notice of Proposal Published in Illinois Register: January 3, 1997, 21 Ill. Reg. 169  
 10) Has JCAR issued a Statement of Objections to these rules? No  
 11) Difference between proposal and final version: The editing changes requested by the Joint Committee on Administrative Rules were made. In addition, the following changes were made in response to public comments: The term "group worker" was changed to "school-age worker." The term "group worker assistant" was changed to "school-age assistant".

A new appendix was added to the table of contents:

## APPENDIX H Playground Surfacing and Critical Height

In Section 407.45, Definitions, the following definition was added:

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of BC cup household liquid chlorine bleach added to 1 gallon of tap water and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects.

The definition of "Accredited college or university" was modified to read: "Accredited college or university" means a college or university that has been accredited by a regional or national institutional accrediting association recognized by the U.S. Department of Education or a non-governmental recognition counterpart.

The definition of "Cot" was modified to read:

"Cot" means a comfortable, safe and child-sized alternative bed made of resilient, sanitizable fabric, that is on legs or otherwise above the floor and can be stored to allow for air flow.

The definitions of "Group worker" and "Group worker assistant" were removed and the following definitions were added:

"School-age worker" means a staff member who has lead responsibility for a group of school-age children.

"School-age assistant" means a staff member who works under the direct supervision of a school-age worker.

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The definition of "preschooler" was modified to read:

"Preschooler" means a child from three through five years of age. Children enrolled in kindergarten may be considered either preschool or school-age. Children two years of age may be considered preschoolers or toddlers, depending on their level of development.

In Section 407.50, Application for License, the requirement for personal references for members of the governing body was deleted. The requirement for an annual operating budget was modified to require the budget only with the initial application.

In Section 407.65, Provisions Pertaining to Permits, the requirements for a plumbing clearance and a business plan were deleted. Subsection (h) of 407.65 was modified to read:

The day care center shall not begin operations until the day care center receives a permit.

Section 407.70. Organization and Administration

Subsection (a) was modified to delete the requirement for three personal references.

Subsection (d) was modified to read:

The Department shall be notified in writing within seven days after any notice of legal action against the center that may negatively affect its operation and/or ability to maintain the licensing standards.

Subsection (e) was modified to read

As a part of new staff orientation, the child care director and all staff shall review the following documents and the date of their review shall be recorded in the personnel files:

- 1) the Child Care Act of 1969 (225 ILCS 10);
- 2) the Abused and Neglected Child Reporting Act (325 ILCS 5); and
- 3) the portions of 89 Ill. Adm. Code 407, Licensing Standards for Day Care Centers, that affect their functions and Responsibilities.

Subsection (k) was modified to add that the risk management plan shall address training on universal precautions and fire evacuation plans.

Subsection (n)(2) was modified to read:

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Required general and financial records shall be maintained for five years. Required personnel records shall be maintained for five years after the date of the employee's termination of employment. Children's records shall be maintained for five years after the child has been discharged from care or services.

Section 407.90. Staffing Structure

Subsection (a)(5) was modified to read:

Changes in the position of director or school-age director shall be reported to the Department no later than the next business day after the change. All other staff employment changes shall be reported to the Department each month on forms prescribed by the Department.

Subsection (c) was changed to read:

Multi-site school-age programs, with a maximum daily enrollment of 50 children per site, may use a two-tier administrative structure consisting of a school-age director responsible for multiple school-age sites and school-age site coordinators responsible for each school-age site. The school-age director may be responsible for up to six different school-age sites, each of which is under the direct supervision of a school-age site coordinator. When the school-age director is responsible for four to six sites, he or she shall not have any additional programmatic or administrative responsibilities for other sites or programs. The division of responsibilities between the school-age director and the on-site coordinator shall be documented.

Section 407.100. General Requirements for Personnel

Subsection (c)(1) was modified to read:

The director and each child care staff member shall participate in 15 clock hours of in-service training per year. For the first year of employment, topics which must be included in the training are staff requirements to recognize and report suspected child/abuse or neglect, how to make a child abuse or neglect report, rules governing the operation of the facility, and the legal protection afforded to persons who report violations of licensing standards. Subsequent in-service training may include, but not be limited to, child development, symptoms of common childhood illnesses, hygiene, guidance and discipline, and communication with parents.

Subsection (c)(3) was modified to read:

The required in-service training hours may consist of on-site



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training; documented attendance at seminars, workshops, conferences and early childhood classes; and documented self-study programs that have been approved by the day care center director. Staff meetings may be counted only if a planned in-service program is presented.

Section 407.130, Qualifications for Child Care Director

Subsection (e)(3) was modified to read:

Completion of a credentialing program approved in accordance with Appendix G of this Part, completion of 12 semester (or 18 quarter hours) in courses related to child care and/or child development from birth to age six at an accredited college or university, and two years (3120 clock hours) child development experience in a nursery school, kindergarten or licensed day care center.

Subsection (f)(1) was modified to read:

Sixty semester hours (or 90 quarter hours) of credit from an accredited college or university with 18 semester (or 27 quarter hours) in courses related to child care and/or child development, elementary education, physical education, recreation, camping or other related fields, including courses related to school-age children; or

Subsection (f)(2) was modified to read:

Two years (3120 clock hours) of child development experience in a recreational program, kindergarten, or licensed day care center serving school-age children or licensed exempt school-age child care program operated by a public or private school, 30 semester hours (45 quarter hours) of college credits with ten semester (or 15 quarter hours) in courses related directly to child care and/or child development, elementary education, physical education, recreation, camping or other related fields, and proof of enrollment in an accredited college or university until two years of college credit have been achieved. A total of 18 semester hours (or 27 quarter hours) in courses related directly to child care and/or child development, elementary education, physical education, recreation, camping or other related fields, including courses related to school-age children; or proof of enrollment in the total two years of college credits.

Subsection (i)(3)(A) was modified to read:

Thirty semester hours (or 45 quarter hours) of credit from an accredited college or university with 12 semester hours (or 18 quarter hours) related to school-age child care, child development, elementary education, physical education, recreation, camping or other related

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fields and 750 clock hours of experience in a recreational program or a licensed day care center serving school-age children or a license exempt school-age child care program operated by a public or private school; or

Subsection (i)(3)(B) was modified to read:

1560 clock hours of experience in a recreational program or licensed day care center serving school-age children or a license exempt school-age child care program operated by a public or private school and six semester hours (or nine quarter hours) of credit from an accredited college or university related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields.

Section 407.140, Qualifications for Early Childhood Teachers and School-age Workers

Subsection (c)(4) was deleted and subsection (c)(3) was modified to read:

Completion of a credentialing program approved by the Department in accordance with Appendix G of this Part.

Subsection (e)(1) was modified to read:

Thirty (30) semester hours (or 45 quarter hours) of credit from an accredited college or university with six semester hours (or 9 quarter hours) related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields;

Subsection (e)(2) was modified to read:

1560 clock hours of experience in a recreational program or licensed day care center serving school-age children or a license exempt school-age child care program operated by a public or private school, and six semester hours (or nine quarter hours) of credit from an accredited college or university related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields; or

Subsection (e)(3) was added to read:

A high school diploma or equivalent certificate plus 3120 clock hours of experience in a recreational program, kindergarten, or licensed day care center serving school-age children or license exempt school-age child care program operated by a public or private school.

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Section 407.150, Qualifications for Early Childhood Assistants and School-age Assistants

Subsection (c) was modified to read:

Early childhood assistants shall work under the direct supervision of an early childhood teacher and shall not assume full responsibility for a group of children, except as allowed by Section 407.150(e)(2).

Subsection (d) was added to read:

School-age assistants shall work under the direct supervision of a school-age worker and shall not assume full responsibility for a group of children, except as allowed by Section 407.90(e)(2).

Section 407.190, Grouping and Staffing

In subsection (a), the maximum group size for school-age children was reduced from 40 children to 30 children.

Subsection (d)(4) was renumbered as subsection (d)(5) and a new subsection (d)(4) was added to read:

Four year-olds through six year-old children may be mixed; and/or

407.210, Special Requirements for Infants and Toddlers

Subsection (c)(3) was modified to allow programs two years to come into compliance with having a sink in the infant/toddler room and reads:

A sink or lavatory for the infant/toddler program shall be in the same room for the use of staff for hand washing and for use by the children. Programs that are licensed for infants and toddlers on January 1, 1998 shall come into compliance with this standard by January 1, 2000.

Subsection (c)(5) which required one toilet with training seat, child sized toilet or potty chair for every three toddlers being toilet trained was deleted.

Subsection (d)(1) was added to read:

Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to infants and toddlers. Hazardous or injurious characteristics include sharp, rough edges, toxic paint, and objects small enough to be swallowed.

Subsection (d)(2) was added to read:

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Toys and outdoor equipment shall be cleaned and disinfected daily.

Subsection (f)(13) was modified to allow the use of bottle warmers.

Subsection (f)(15) was modified to read:

Only sanitized bottles and nipples shall be used. Bottles and nipples reused by the day care center shall be sanitized by washing in a dishwasher or by boiling for five minutes. Once sanitized, bottles to be refilled or by other method if approved by the Illinois Department of Public Health or local health department. Nipples are to be rinsed prior to washing.

Subsection (f)(16) was modified to read:

No food other than formula, milk, breast milk, or water shall be placed in a bottle for infant feeding unless otherwise indicated by the child's physician, in consultation with the parent(s).

Subsection (f)(19) was modified to read:

Children under two years of age shall not be fed berries, candies, raisins, corn kernels, raw carrots, whole grapes, hot dogs, nuts, seeds, popcorn, raw peas or peanut butter, as these foods may cause choking.

Subsection (f)(24) was modified to read:

Infants shall either be held or be fed sitting up for bottle feeding. Infants unable to sit shall always be held for bottle feeding. When infants are able to hold their own non-glass bottles, they may feed themselves. The bottle must be removed once the child has fallen asleep. Bottle propping and carrying of bottles by young children throughout the day/night shall not be permitted.

Subsection (h)(3) was modified to delete the prohibition of food being used in art activities.

Subsection (h)(4) was modified to read:

Except as allowed in Section 407.200(d)(3), children shall be taken outdoors for a portion of every day unless the weather conditions pose a danger such as lightning or extremely high or low temperatures.

Subsection (h)(6) was modified to read:

For awake infants who cannot move about the room, the staff shall hold, rock and/or carry the child at least every 30 minutes and change

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the place and position of the child and the selection of toys available.

Subsection (h)(7) was modified to read:

To avoid sudden infant death syndrome, children who cannot turn over alone shall be placed on their sides or backs unless contraindicated by a physician.

In Section 407.220, Special Requirements for School-Age Children, subsection (k) was modified to read:

Staff shall be aware of the whereabouts of each child at all times and shall regularly monitor all children.

Section 407.260, Daily Arrival and Departure of Children

Subsection (c) has been modified to read:

Children served in a day care center shall not remain on the premises for more than 12 hours in any 24-hour period, unless the parent's employment or training schedule requires more than 12 hours of day care and this has been confirmed, in writing, by the parent. The written confirmation shall be kept on file for licensing review.

Subsection (e)(2) has been modified to delete the requirement that the method of transportation be noted when a child is released to a person authorized on the contingency list.

Subsection (e)(4)(D) has been modified to so that only staff may initial the departure log when a child leaves the facility.

In Section 407.270, Guidance and Discipline, subsection (c)(4) has been modified to prohibit removal from the group for children less than 24 months of age. Subsection (g) has been modified to read:

Clinical behavior management plans may be developed to meet the needs of a particular child or child developed with the parent and a professional clinician. This must be documented in the child's file. All staff working with the child shall receive training on implementing the plan.

In Section 407.280, Transportation, subsection (r) has been modified to clarify that school bus doors are not required to be locked when transporting children.

Section 407.290, Swimming and Wading

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Clarification was made regarding the fencing requirements for pools. Subsection (c) was modified to be applicable only to in-ground pools and to require facilities to come into compliance with the new fencing height by January 1, 1999. Subsection (d) was modified to address above-ground pools and reads:

All above-ground pools shall have nonclimbable sidewalls that are at least four feet high or shall be enclosed with a fence in accordance with Section 407.290(c). When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure they cannot be accessed.

Subsection (d) was modified to read:

All above-ground pools shall have nonclimbable sidewalls that are at least four feet high or shall be enclosed with a fence in accordance with subsection (c) of this Section. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure they cannot be accessed.

Subsection (e) was modified to read:

When children are swimming, supervision shall include at all times at least one person currently certified as a lifeguard or water safety instructor by the American Red Cross or an equivalent water safety program. If swimming is being done at a pool or beach open to other persons and a lifeguard or lifeguards are provided by the pool or beach operator, an additional lifeguard is not necessary.

Subsection (h) was modified to read:

In addition to the lifeguard and staff required in Section 407.290(g), one adult shall be present to serve as bathroom monitor and provide other general out-of-water supervision.

In Section 407.300, Animals, subsection (f) was modified to add iguanas to the list of animals that are prohibited in day care centers.

Section 407.310, Health Requirements for Children

Subsection (a)(3) was changed so that the medical examination for children is valid for two years instead of three years.

Subsection (a)(5) was modified to allow a physician to determine that a tuberculin test is unnecessary for a child.

Subsection (a)(6) was modified to eliminate the requirement for an annual lead screening after the initial screening has been completed.

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Subsection (c)(1) was modified to read:

Children with diarrhea and those with a rash combined with fever (oral temperature of 101 F or higher or under the arm temperature of 100 F or higher) shall not be admitted to the day care center while those symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.

Subsection (c)(2)(I) was modified to read:

Prodigious conjunctivitis, until 24 hours after treatment has been initiated;

Subsection (c)(2)(M) was modified to read:

Scabies, until the morning after the first treatment;°

Subsection (h) was modified to read:

Major and minor accidents or illnesses which happen to a child at the day care center shall be recorded in the file, and parents shall be notified.

## Section 407.320. Hand Washing

Subsection (a) was modified to read:

Children's hands shall be washed routinely and frequently with soap and water, at least at the following times:

- 1) Upon arrival at the center;
- 2) Before and after each meal or snack;
- 3) After using the toilet or having diapers changed;
- 4) After handling pets or animals;
- 5) After wiping or blowing his or her nose;
- 6) After touching items soiled with body fluids or wastes e.g., blood, drool, urine, stool or vomit);
- 7) Before and after cooking or other food experience;
- 8) After outdoor play time; and
- 9) Before and after using the water table.

Subsection (b) was modified to read:

Staff hands shall be washed routinely and frequently with soap and water, at least at the following times:

- 1) Upon arrival at the center;
- 2) After using the bathroom or helping a child use the bathroom;

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- 3) After changing a diaper;
- 4) After wiping or blowing their nose, or helping a child to wipe or blow his or her nose;
- 5) After handling items soiled with body fluids or wastes (e.g., blood, drool, urine, stool or vomit);
- 6) After handling pets or other animals;
- 7) After handling or caring for a sick child;
- 8) Before and after eating or drinking;
- 9) Before preparing, handling or serving food;
- 10) Before dispensing any medication;
- 11) Before and after administering first aid; and
- 12) When changing rooms or caring for a different group of children.

Language was added and labeled as subsection (d) to read:

Automatic hand dryers shall be regularly inspected to insure that they are in proper working order so that children are not burned or receive electric shocks. Automatic dryers shall not be used for infants and toddlers. Other children under six years of age shall be closely supervised when using these dryers.

Language from subsection (d) was relettered to subsection (e).

## Section 407.330. Nutrition and Meal Service

Subsection (g)(3) was modified to read:

From the months of October through May, the main meal shall be a hot meal with occasional exceptions of not more than twice per month. During the months of June through September, a hot or a cold meal conforming to the Meal Pattern Chart (see Appendix E) shall be served.

Subsection (h) was modified to read:

Adequate and appropriate food shall be served according to the amount of time the child spends at the center. The center shall provide to the child's daily nutrient needs depending on length of stay, as outlined in the chart below. These nutrient needs are based on the current recommended dietary allowances set by the Food and Nutrition Board of the National Research Council and are outlined in Appendix D and Appendix E.

Time Present Per Day	Number of Meals and Snacks Per Day
Two to five hours	One snack

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Five to ten hours Two meals and one snack or one meal and two snacks

More than ten hours Two meals and two snacks or one meal and three snacks

Subsection (k)(1)(C)(1) was modified to eliminate the requirement that foods rich in Vitamin A be served three times per week.

Subsection (k)(4) was modified to read:

Foods that cause choking shall not be served to children under two years of age as noted in Section 407.210(f)(19). Hot dogs and raw carrots may be served to children between two and three years of age only if cut into short, thin strips. Peanut butter shall only be served to children over two years of age if thinly spread on bread, crackers, or other foods or if mixed with other foods.

Subsection (m) was modified to read:

Adequate numbers of appropriate durable dishes, glassware and eating utensils shall be provided to serve all of the children. These items shall be in good repair and free of breaks, cracks or chips. Disposable dishes and utensils may be used and shall be discarded after single use. Due to the danger of choking, disposable eating utensils shall not be used by children under two years of age.

## Section 407.340, Diapering and Toiletting Procedures

Subsection (a)(1) was modified to read:

An accessible hand-washing sink within the same room without barriers such as doors. Facilities licensed for infant care on January 1, 1998 have until January 1, 2000 to come into compliance with this requirement.

Subsection (a)(5)(A) was modified to delete the requirement that the changing surface be covered with nonporous paper.

Subsection (a)(5)(C) was changed to require that protective gloves always be worn when diapering a child.

Subsection (d) was modified to read:

Diaper receptacles shall be cleaned and sanitized daily.

Subsection (g)(3) was modified to eliminate the requirement that there shall be one child-sized toilet or appropriate toilet-training equipment

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available for every three children being toilet-trained.

In subsection (g), the chart was amended to clarify that infants are not counted in child care capacity for determining required sinks and lavatories.

Subsection (j)(1) was changed to require that water supplied to plumbing fixtures used by children shall be tempered or thermostatically controlled to less than 115 Fahrenheit.

Subsection (k) was modified to read:

Mild liquid soap and single-use towels or automatic dryers shall be provided. Towels may be disposable. Automatic dryers shall not be used for infants and toddlers.

In Section 407.350, Napping and Sleeping, subsection (a)(3) was modified to read:

Children three years of age and older (until they are enrolled in kindergarten) generally shall not nap for more than two hours or rest without sleeping for more than 60 minutes. Children in this age group who do not sleep may be permitted to get up and shall be helped to have a quiet time with equipment or activities which will not disturb the napping children. When children are allowed to get up, the staff/child ratio must comply with Section 407.190(a).

In Section 407.360, Medications, subsection (c)(3) was modified to read:

Over-the-counter medications may be dispensed in accordance with manufacturer's instructions when provided by the parent with written permission.

## Section 407.370, Physical Plant/Indoor Space

Subsection (e)(5) was modified to add Styrofoam, similar products, sponge and rubber or soft plastic toys to the list of hazardous items for infants and toddlers.

Subsection (i) was modified to read:

There shall be no smoking or use of tobacco products in any form in the child care center or in the presence of children while on the playground or engaged in other activity away from the center.

Subsection (n) was modified to read:

Chemicals for insect and rodent control shall be applied in minimum



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amounts and shall not be used when children are present in the facility. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained at the facility.

Subsection (p)(2) was modified to read:

Toys, table tops, furniture and other similar equipment used by children shall be washed and disinfected when soiled or contaminated with matter such as food, body secretions or excrement.

Subsection (j)(4) was modified to delete "splinting materials" from the required items in first-aid kits.

Subsection (j)(6) was modified to require an annual inventory of first-aid kits.

Section 407.390, Outdoor Play Area

Subsection (a) was modified to read:

An outdoor play area shall be provided unless the program operates less than three hours per day in accordance with Section 407.200(d)(3) or a waiver has been granted by the Department in accordance with subsection (g) of this Section.

Subsection (i)(2) was modified to read:

The protective surface shall have a Critical Height value of at least the height of the highest accessible part of the equipment, unless rubber mats are used which have been manufactured specifically for this purpose and which comply with the requirements established by the Consumer Products Safety Commission or the American Society for Testing Materials. See Appendix H for Critical Height values.

Subsection (k) was modified to read:

There shall be a shaded area in the summer to protect children from excessive sun exposure. Equipment with smooth metal surfaces, such as slides, shall be in an area that is shaded during the summer or shall be placed in a north/south alignment. Equipment permanently affixed on January 1, 1998 shall be accepted if otherwise determined safe. Procedures shall be in place to prevent children from being burned when the metal surface is too hot.

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Subsection (l)(7) was modified to read:

Swings, if used, shall have seats of rubber or impact-absorbing material and design. Wood or metal seats shall not be used.

Subsection (q) was added to read:

The Department may grant a waiver of the outdoor play area requirement under the following conditions:

- 1) The facility is located in an urban area where suitable, safe outdoor space is not available;
- 2) The facility has an indoor activity room that provides 75 square feet per child for at least 25% of the licensed capacity of the facility and is used for gross motor play in lieu of the outdoor space; and
- 3) Parents are given notification of this waiver in writing upon enrollment of their child(ren).

Appendix B, Equipment for Preschool Children, was modified to put the requirements into a chart format. Also, the example under Large Muscle - Outdoors was modified to read:

A center with 37 children would require: four items from the large equipment column; four items from the medium equipment column; and six items from the small equipment column.

Appendix D, Infant Daily Food Requirements, and Appendix E, Meal Patterns and Serving Sizes for Child Care Programs, were modified to conform with the requirements of the Child and Adult Care Food Program of the U.S. Department of Agriculture.

Appendix D Infant Daily Food Requirements

INFANT DAILY FOOD REQUIREMENTS

These feeding requirements are to be used as guidelines only. Food needs vary with each infant.

MEAL	Birth through 3	4 through 7	8 through 11 months
Breakfast	4-6 fl. oz. formula or breast milk	4-8 fl. oz. formula(1) or breast milk	6-8 fl. oz. formula(1) or breast milk
			0-3 Tbsp. infant

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Lunch or Supper	4-6 fl. oz. formula(1) or breast milk	4-8 fl. oz. formula(1) or breast milk	2-4 Tbsp. infant cereal(2) (optional)	2-4 Tbsp. fruit and/or vegetable
	0-3 Tbsp. infant cereal(2) (optional)	6-8 fl. oz. formula(1) or breast milk, or whole milk		
	0-3 Tbsp. fruit and/or fruit and/or (optional)	2-4 Tbsp. infant cereal(2) and/or 1-4 Tbsp. meat, fish poultry, egg yolk, or cooked dry beans or peas or 1/2-2 oz. cheese or 1-4 oz. cottage cheese, cheese food, or cheese spread		
	1-4 Tbsp. fruit and/or vegetable			

Supplement	4-6 fl. oz. formula(1) or breast milk	4-6 fl. oz. formula(1) or breast milk, whole milk or fruit juice(3)	2-4 fl. oz. formula(1) or breast milk, whole milk or fruit juice(3)	0-1/2 bread(4) or 0-2 crackers (optional)
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- (1) Shall be iron-fortified infant formula.  
(2) Shall be iron-fortified dry infant cereal.  
(3) Shall be full strength fruit juice  
(4) Shall be from whole grain or enriched meals or flour

Appendix E

MEAL PATTERNS AND SERVING SIZES FOR CHILD CARE PROGRAMS

MEAL	FOOD ITEMS	AGE (1-2 years)	AGE (3-5 years)	AGE (6-12 years)
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Breakfast	Fluid Milk	1/2 cup	3/4 cup	1 cup
	Juice/fruit or vegetable	1/4 cup	1/2 cup	1/2 cup
	Grains/Breads	1/2 serving	1/2 serving	1 serving
	Bread	1/2 slice or 0.5 oz.	1/2 slice or 0.5 oz.	1 slice
	Or cereal cold/dry	1/4 cup	1/3 cup or 0.5 oz.	3/4 cup or 1 oz.
	Or cereal hot/cooked	1/4 cup	1/4 cup	1/2 cup
	Or cooked pasta/noodles	1/4 cup	1/4 cup	1/2 cup
Lunch/Dinner	Lean meat, fish or poultry	1 oz.	1 1/2 oz.	2 oz.
	Or cheese	1 oz.	1 1/2 oz.	2 oz.
	Or egg	1	1	1
	Or cooked dry beans and peas	1/4 cup	3/8 cup	1/2 cup
	Or peanut butter*	2 Tbsp.*	3 Tbsp.	4 Tbsp.
	Or yogurt	1/2 cup	3/4 cup	1 cup
	Fruits and/or Vegetables (2 or more total)	1/4 cup total	1/2 cup total	3/4 cup total
	Grains/Bread	1/2 serving	1/2 serving	1 serving
	Bread	1/2 slice or 0.5 oz.	1/2 slice or 0.5 oz.	1 slice or 1 oz.
	Or cooked pasta/noodles	1/4 cup	1/4 cup	1/2 cup
	Fluid milk	1/2 cup	3/4 cup	1 cup

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Snacks**	Fluid milk	1/2 cup	1/2 cup	1 cup
	Grains/Breads	1/2 serving	1/2 serving	1 serving
	Bread	1/2 slice or 0.5 oz.	1/2 slice or 0.5 oz.	1 slice
	Or cereal cold/dry	1/4 cup	1/3 cup	3/4 cup
	Or cereal hot/cooked	1/4 cup	1/4 cup	1/2 cup
	Lean meat, poultry or fish	1/2 oz.	1/2 oz.	1 oz.
	Or cheese	1/2 oz.	1/2 oz.	1 oz.
	Or cooked dry beans	1/8 cup	1/8 cup	1/4 cup
	Or peanuts, peanut butter, nuts or seeds	1 Tbsp.*	1 Tbsp.	2 Tbsp.
	Juice/fruit or vegetable (full-strength juice)	1/2 cup	1/2 cup	3/4 cup

\* Shall not be served to children under two years of age. Spread thinly for children ages 2-3 years or mix with other foods.

\*\* Mid-morning or mid-afternoon supplement; select 2 of the 4 components.

Appendix F, Resource Reference List, was modified to include information on the Illinois Relay Center.

Appendix G, Early Childhood Teacher Credentialing Programs, was modified. The eligibility requirements were modified to read:

## Eligibility Requirements

1. Candidates must be at least 18 years of age.
2. Candidates must have at least a high school diploma or equivalency (GED).
3. The credentialing program must require a minimum of 640 clock

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hours of documented experience within the past five years working with children ages zero to six in a public or private school operated nursery school, kindergarten or licensed day care center.

Also In Appendix G, the following was added:

5. An evaluation program which requires a professional review through observation and written assessment of:
  - A. Competence in the core professional content areas;
  - B. Interaction with children in the child care environment;
  - C. Professional portfolio or file;
  - D. Required training;
  - E. Verbal and written communication skills.
6. Observation and final assessment shall be done by an impartial committee or individual, not by the candidate's own director/employer.
7. A renewal of the credential shall be required at least every five years and shall require at least 20 additional clock hours of training. One semester hour of college is considered equivalent to 15 clock hours of formal in-service training.
8. All training shall be documented.

## APPROVED CREDENTIALS

Child Development Associate Credential  
Council for Early Childhood Professional Recognition  
2460 16th Street, N.W.  
Washington, DC 20009  
1-800-424-4310

Certified Childcare Professional  
National Child Care Association  
1029 Railroad Street, N.W.  
Conyers, Georgia 30207  
1-800-543-7161

Appendix H, Playground Surfacing and Critical Height, was added.

## 407 Appendix H

## Playground Surfacing &amp; Critical Height

Critical Height is a term used to describe the shock absorbing performance of a surfacing material and is used in this Part as an approximation of the maximum fall height from which a life-threatening head injury would

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not be expected to occur.

The surfacing material used under and around a particular piece of playground equipment should have a Critical Height value of at least the height of the highest accessible part of the equipment.

Acceptable surfacing materials are available in two basic types, unitary or loose-fill.

Unitary materials are generally rubber mats or a combination of rubberlike materials held in place by a binder that may be poured in place at the playground site. Persons wishing to install a unitary material at a playground surface should request test data from the manufacturer that should identify the Critical Height of the desired material. Site requirements should also be obtained from the manufacturer because some unitary materials require installation over a hard surface, while for others this is not required.

Loose-fill materials can also have acceptable shock absorbing properties. These materials include, but are not confined to, sand, gravel and shredded wood products. Loose-fill materials should not be installed over hard surfaces such as asphalt or concrete.

Many vendors are unlikely to have information on the shock absorbing performance of loose-fill materials. For that reason, the U.S. Consumer Product Safety Commission has conducted tests to determine the relative shock absorbing properties of some loose-fill materials commonly used as surfaces under and around playground equipment. The table below identifies the Critical Heights of these materials when tested at various depths.

## Critical Heights of Tested Materials

Material	6 inch uncompressed depth	9 inch uncompressed depth	12 inch uncompressed depth	9 inch compressed depth
Wood Mulch	7 feet	10 feet	11 feet	10 feet
Double Shredded Bark Mulch	6 feet	10 feet	11 feet	7 feet
Uniform Wood Chips	6 feet	7 feet	12 feet	6 feet
Fine Sand	5 feet	5 feet	9 feet	5 feet
Course Sand	5 feet	5 feet	6 feet	4 feet
Fine Gravel	6 feet	7 feet	10 feet	6 feet
Medium Gravel	5 feet	5 feet	6 feet	5 feet

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Public Playground Safety by the U.S. Consumer Product Safety Commission.

12) Have all changes added upon by the agency and JCQR been made as indicated in the agreement letter issued by JCQR? Yes

13) Will these proposed amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of These Adopted Amendments: These adopted amendments will improve safety in day care centers by outlining more precisely basic health and safety measures, such as proper hand washing techniques, proper diapering techniques, expectations when transporting children, use of pesticides within a day care center, and safe playgrounds. Additionally, these adopted amendments will allow day care centers to accept moderately and mildly ill children and allow school-age day care in a school building without requiring a fire clearance from the Office of the State Fire Marshal, and allow multi-size school-age programs to use a two-tier administrative structure consisting of a school-age director responsible for multiple school-age sites and school-age site coordinators responsible for each school-age site. Finally, these amendments will allow day care centers to request a day care center or person considering operating day care center to request a satisfactory ruling from the Department about how a specific regulation impacts them.

16) Information and questions regarding these adopted amendments shall be directed to:

Sue Howell  
Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe Street, Station #65  
Springfield, IL 62701-1498  
(217) 524-1983  
TDD: (217) 524-3715

The full text of the adopted rules begins on the next page:

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## TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER c: REQUIREMENTS FOR LICENSURE

## PART 407

## LICENSING STANDARDS FOR DAY CARE CENTERS

Section	Purpose (Repealed)
407.1	Definitions (Repealed)
407.2	Effective Date of Standards (Repealed)
407.3	Application for License (Repealed)
407.4	Provisions Pertaining to the License (Repealed)
407.5	Provisions Pertaining to Permits (Repealed)
407.6	Provisions Pertaining to Permits (Repealed)
407.7	Organization and Administration (Repealed)
407.8	Finances (Repealed)
407.9	General Requirements for Personnel (Repealed)
407.10	Child Care Director (Repealed)
407.11	Child Care Workers and Group Workers (Repealed)
407.12	Child Care Assistants (Repealed)
407.13	Use of Students (Repealed)
407.14	Service Staff (Repealed)
407.15	Substitutes and Volunteers (Repealed)
407.16	Background Inquiry (Repealed)
407.17	Admission and Discharge Procedures (Repealed)
407.18	Discipline (Repealed)
407.19	Personal Care and Hygiene (Repealed)
407.20	Program (Repealed)
407.21	Equipment and Materials (Repealed)
407.22	Grouping and Staffing (Repealed)
407.23	Nutrition (Repealed)
407.24	Night Care (Repealed)
407.25	Children with Special Needs (Repealed)
407.26	Infants and Toddlers (Repealed)
407.27	School-Age Children (Repealed)
407.28	Health Requirements for Children (Repealed)
407.29	Transportation (Repealed)
407.30	Plant and Equipment (Repealed)
407.31	Records and Reports (Repealed)
407.32	Confidentiality of Records and Information (Repealed)
407.33	Records Retention (Repealed)
407.34	Severability of This Part (Renumbered)
407.35	

## SUBPART A: INTRODUCTION, DEFINITIONS AND APPLICABILITY

Section  
407.40

Purpose and Applicability

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## 407.45 Definitions

## SUBPART B: PERMITS AND LICENSES

407.50 Application for License  
407.55 Application for Renewal of License  
407.60 Provisions Pertaining to the License  
407.65 Provisions Pertaining to Permits

## SUBPART C: ADMINISTRATION

407.70 Organization and Administration  
407.80 Confidentiality of Records and Information

## SUBPART D: STAFFING

407.90 Staffing Structure  
407.100 General Requirements for Personnel  
407.110 Background Checks for Personnel  
407.120 Personnel Records  
407.130 Qualifications for Child Care Director  
407.140 Qualifications for Early Childhood Teachers and School-age Workers  
407.150 Qualifications for Early Childhood Assistants and School-age Worker Assistants  
407.160 Students and Youth Aides  
407.170 Substitutes  
407.180 Volunteers  
407.190 Grouping and Staffing

## SUBPART E: PROGRAM REQUIREMENTS

407.200 Program Requirements for All Aves  
407.210 Special Requirements for Infants and Toddlers  
407.220 Special Requirements for School-Age Children  
407.230 Intergenerational Programs  
407.240 Evening, Night, Weekend and Holiday Care

## SUBPART F: STRUCTURE AND SAFETY

407.250 Enrollment and Discharge Procedures  
407.260 Daily Arrival and Departure of Children  
407.270 Guidance and Discipline  
407.280 Transportation  
407.290 Swimming and Wading  
407.300 Animals

## SUBPART G: HEALTH AND HYGIENE



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## 407.310 Health Requirements for Children

- 407.320 Hand Washing  
 407.330 Nutrition and Meal Service  
 407.340 Diapering and Toileting Procedures  
 407.350 Napping and Sleeping  
 407.360 Medications

## SUBPART H. FACILITY AND EQUIPMENT

- 407.370 Physical Plant/Indoor Space  
 407.380 Equipment and Materials  
 407.390 Outdoor Play Area

## SUBPART I. SEVERABILITY OF THIS PART

- 407.400 Severability of This Part  
 APPENDIX A Equipment for Infants and Toddlers Meet--Pattern-Chart-for  
 Children-0-to-12-Months-of-Age  
 APPENDIX B Equipment for Preschool Children Meet--Pattern-Chart--for  
 Children-Over-One-Year-of-Age  
 APPENDIX C Equipment for School-Age Children Minimum-Equipment--and  
 Supplies----Pre-School-Programs  
 APPENDIX D Infant Daily Food Requirements Minimum-Equipment--and-Supplies  
 ---Infant-and-Toddler-Programs  
 APPENDIX E Meal Patterns and Serving Sizes for Child Care Programs  
 Licensed-or-Registered-Professions  
 APPENDIX F Resource Reference List  
 APPENDIX G Early Childhood Teacher Credentialing Programs  
 APPENDIX H Playground Surfacing and Critical Height

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 101.

SOURCE: Adopted and codified at 7 Ill. Reg. 9215, effective August 15, 1983; amended at 8 Ill. Reg. 8714, effective June 15, 1984; amended at 8 Ill. Reg. 4437, effective January 1, 1985; amended at 16 Ill. Reg. 7597, effective April 20, 1992; emergency amendment at 20 Ill. Reg. 11366, effective August 1, 1996, for a maximum of 100 days; amended at 22 Ill. Reg. 1728, effective

JAN 01 1998

## Section 407.1 Purpose (Repealed)

- a) The purpose of this Part is to prescribe the standards for licensure as a day-care center and to describe how to apply for licensure;  
 b) The licensing standards set forth in this Part are applicable to day care centers as defined in the Child Care Act of 1969;

(Source: Repealed at 22 Ill. Reg. 1728, effective

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## Section 407.2 Definitions (Repealed)

"Accredited" means accredited by the North Central Association of Schools and Colleges, its regional counterpart, or the National Accreditation Council;

"Attendance" means the total number of children present at any one time;

"Authorized representative of the Department" means an licensing representative or any person acting on behalf of the Director of the Department;

"Child" means any person under 18 years of age;

"Child care facility" means any person, group of persons, agency, association, or organization, which arranges for or cares for children unrelated to the operator of the facility apart from the parents in any facility as defined in the Act; Child care facilities may be established for profit or not for profit; "Child care facility" is further defined in paragraph 2.05 in The Child Care Act of 1969;

"Child care staff" means all staff members providing direct care to children;

"Child-care worker" means a staff member responsible for a group of infant/toddler, or preschool children;

"Consultant" means a person providing technical assistance or advice regarding any aspect of the total operation of the program;

"Day-care center" means any child-care facility which regularly provides day care for less than 24 hours per day for more than 8 children in a family home or more than 3 children in a facility other than a family home. Exclusions from this definition are listed in Section 2.09 of the Child Care Act of 1969;

"Department" means the Illinois Department of Children and Family Services;

"Discipline" means the ongoing process of helping children to develop time-out tools so that they can manage their own behavior in socially approved ways;

"Employee" means a paid member of the staff;

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"Enrollment" means the total number of children served by the facility on either a part-time or full-time basis;

"governing body" as used in this Part means the board of directors of a corporation; otherwise the term means the owners or other person(s) agency, association or organization legally responsible for the operation of the day-care agency;

"group" means a specified number of children who remain together at least 60 percent of the time they are at the facility;

"group worker" means a staff member responsible for a group of school-age children;

"Guardian" means the guardian of the person of a minor;

"infant" means a child from 6 weeks to 15 months of age;

"license" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969;

"license study" as used in this Part means the review of an application for license, on-site visit(s), interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part;

"licensee" means an individual agency or organization who holds a license or permit issued by the Department of Children and Family Services;

"licensing representative" for the purpose of this Part means Department staff authorized under the Child Care Act of 1969 to examine facilities for licensure;

"licensed capacity" means the maximum number of children permitted in the facility at any one time;

"newly employed" means a person employed within the facility subsequent to the adoption of these standards;

"parent(s)" as used in this Part means person(s) assuming legal responsibility for the care and protection of the child on a 24-hour basis; includes guardian or legal custodian;

"permit" as used in this Part means a one-time only document issued

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by the Department of Children and Family Services for a six-month period to allow the individual(s) agency or organization to become eligible for a license;

"physician" means a person licensed to practice medicine in the State of Illinois;

"program" means all activities provided for the children during their hours of attendance in the facility;

"related" means any of the following relationships by blood, marriage or adoption: parent, grandparent, brother, sister, stepparent, stepbrother, stepdaughter, stepniece, or first cousin;

"related services" refers to but is not limited to supportive service (physiological, medical, social or health) for children in a facility;

"resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators, other trained professionals and personnel whose expertise is utilized in providing specialized services to children with special needs;

"resources" may include related services mentioned above and community agencies such as but not limited to libraries, university laboratories, and their professional staffs, audiovisual materials, museum, and parks;

"School-age children" means children from 6 to 10 years of age;

"Service staff" means any staff member providing indirect care and services to the children in the facility such as driver, cook, janitor, clerical staff;

"Services to children with special needs" means services to children who exhibit one or more of the following characteristics as confirmed by clinical evaluation:

Visual impairment; the child's visual impairment is such that he or she cannot develop to his or her potential without special services;

Hearing impairment; the child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language; thus causing extreme deprivation in learning and communication; or the child exhibits a hearing loss which prevents full awareness of environmental sounds and spoken language limiting normal language acquisition and learning;

Physical or health impairment; the child exhibits a physical or

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health-impairment--which--requires--adaptation--of--the--physical plant;  
Speech-and/or-language-impairment--the-child-exhibits-deviations of--speech--and/or-language-processes-which-are-outside-the-range of--acceptable-variation-within-a--given--environment--and--which prevent--full-social-development;

hearing--disability--the-child-exhibits-one-or-more-deficits-in the--essential--processes--of--perception--conceptualization language-memory-attention--impulse-control--or-motor-function; Behavior--disability--the--child--exhibits--an--effective disability--and/or--maladaptive-behavior--which--significantly interferes-with-learning-and/or-social-functioning;  
Mental-impairment--the-child's-intellectual-development--mental capacity/and/or-adaptive-behavior-are-markedly-delayed--Such mental-impairment-may-be-mild-moderately-severe-or-profound

\*Staff--means-all-individuals-who-are-in-contact-with--children--in-a day-care-center;

\*Swimming--pool--for--purposes--of--this--Part--means-any-natural-or artificial-basin-of-water--intended-for-public-swimming-or-recreational bathing-which-exceeds-two-feet-six-inches-(2-6 1/2)--in-depth--the-term includes-bathing-beaches-and-pools-at-private-residences-when-used-for children-enrolled-in-a-child-care-facility;

\*Toddler--means--a--child--from-15-months-to-2-years-of-age--The-term may-include-a-child-up-to-36-months-of-age--depending-upon-physical-or social-development

\*Wading--pool--for--purposes--of--this--Part--means--any-natural-or artificial-basin-of-water-less-than-two-feet-six-inches-(2-6 1/2)--in depth--which-is--intended--for--recreational--bathing--water-play-or similar-activity--The-term-includes-recessed-areas-less-than-two-feet six-inches-in-depth-in-swimming-pools-which-are-designated--primarily for-children;

(Source: Repealed at 22 Ill. Reg. 1788, effective JAN 01 1998)

## Section 407.3 Effective Date of Standards (Repealed)

The standards prescribed in this Part shall become effective upon the date they are officially adopted and published and shall apply immediately to all facilities on that date. Any facility which has been licensed by day care centers licensed at the time this Part is officially adopted and published shall have one calendar year to comply with the new or revised standards.

(Source: Repealed at 22 Ill. Reg. 1728, effective

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## Section 407.4 Application for License (Repealed)

- a) The application for license shall be completed by the officers of the governing body of the day care center, or its authorized representative, on forms prescribed and furnished by the Department;
- b) Articles of incorporation and by-laws, if incorporated, indicating that the center's corporate status is in good standing with the Illinois Secretary of State;
- 3) Statement of purpose(s) and policies as required by Section 407-067;
- 3) List of officers, board members and committees of the governing body;
- 4) Three favorable personal references for each member of the governing body attesting to their character, reputation and ability to assume responsibility for the services to be offered by the day care center;
- 5) Annual operating budget showing anticipated expenses and income;
- 6) Staffing plan which includes job descriptions and the qualifications of the staff;

c) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study in order to determine that the day care center meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The applicant shall receive a copy of the license study upon written request and payment of copying costs.

- d) A new application shall be filed.
  - i) When an application for a license has been withdrawn and the center seeks to reapply.
  - 2) When there is a change of address of the day care center.
  - 3) When there is a change of name, ownership or corporate status of the center or
  - 4) When the Department has revoked or refused to renew a license and a new license is sought.

e) Approval of the Department is required to effect changes in the license capacity or the ages of children served in conformance with the requirements of Section 407-072.

(Source: Repealed at 22 Ill. Reg. 1728, effective JAN 01 1998)

## Section 407.5 Application for Renewal of License (Repealed)

a) Application forms for license renewal shall be mailed to the day care

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center-by-the-Department-six-months-prior-to-the-expiration-date-of-the-licen-

b) The application for the renewal of a day-care center license must be completed, signed by the governing body or its authorized representative, and submitted to the Department three months prior to the expiration date of the current license for the application to be considered timely and sufficient. In addition, revisions in items required by Section 407.4b which have not previously been submitted to the Department shall accompany the application for the renewal of a license.

c) When a licensed day-care center seeks to change its name, address, corporate status or ownership, a new application reflecting the revised status must be completed, signed by the governing body or its authorized representative, and submitted to the Department thirty days prior to the effective date of the changes. For the application to be considered timely and sufficient, in addition, a change of name, corporate status or ownership shall be documented by the filing of a copy of the amended articles of incorporation or ownership agreement with the Department. This shall be effective upon the filing of a license on a new license with reference to the activity of the continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final Department decision has been made. Upon a showing of good cause by the license or the Department, the Department shall further extend the period in which such decision must be made in individual cases for up to 30 days.

d) When a license is made timely and sufficient application for renewal of a license on a new license with reference to the activity of the continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final Department decision has been made. Upon a showing of good cause by the license or the Department, the Department shall further extend the period in which such decision must be made in individual cases for up to 30 days.

e) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the day care center continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licen-

request and payment of copying costs

(Source: Repealed at 22 Ill. Reg. 1760, effective JAN 11 1998)

## Section 407.6 Provisions Pertaining to the License (Repealed)

a) A day care center license is valid for 2 years unless revoked by the Department or voluntarily surrendered by the licensee.

b) The license shall not be transferred or transmitted to another person

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c) organization or sponsor;

d) The license shall not be valid for an address other than the address shown on the license;

e) The current license shall be displayed at the facility at all times;

f) There shall be no fee or charge for the license;

g) The number of children specified on the license shall be the maximum in attendance at the center at any one time;

h) The facility shall operate within the license capacity ages of children served and areas used for child care as specified on the license document;

i) Unless a day-care center is in compliance with the standards prescribed by this Part, it shall not expand its services or increase its licensed capacity;

(Source: Repealed at 22 Ill. Reg. 1760, effective JAN 11 1998)

## Section 407.7 Provisions Pertaining to Permits (Repealed)

a) A permit shall not be issued prior to the following:

- 1) Completion of the application for license and submission to the Department;
- 2) Employment of child care director who meets the standards set forth in Section 407.1b and development of a projected staffing plan indicating the timetable by which qualified staff shall be hired;
- 3) Plan and sanitation clearances required by Section 407.23c documented by a letter or certificate issued by the agency which conducted the inspection;
- 4) Proof of public liability insurance as required by Section 407.6(f) such proof may consist of, but is not limited to, a copy of an insurance policy, binder or certificate or a letter from the insurance carrier;
- 5) Plan developed for emergency medical care as required by Section 407.6(g)(2)(i);
- 6) Plan developed for meeting the nutrition and food service requirements of Section 407.24;
- 7) Furnishings and equipment have been acquired for the number of children to be served the six-month permit period in accordance with Appendix 6;
- 8) Medical reports as required by Section 407.2 and character references as required by Section 407.32(c)(2) on file at the center for employed staff;
- 9) Established procedures and forms for records and reports required by Sections 407.32;
- 10) A written plan which indicates that requirements for a license shall be met within the permit period; and
- 11) Demonstration of financial capability through an annual projected



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- budget showing anticipated operating expenses and income.
- b) A permit shall not be issued retroactively.
  - c) The permit shall not be renewable.
  - d) The permit shall not be transferred or transmitted to another person, organization or sponsor.
  - e) The permit shall not be valid for an address different from the address shown on the issued permit.
  - f) A current permit shall be on display at the center at all times.
  - g) The number of children specified on the permit shall be the maximum allowed in the facility at one time.
  - h) The day care center shall not begin operations until issuance of a permit has been recommended in writing by the licensing representative and supervisor.
  - i) A license shall be issued anytime within the six months period covered by the permit provided the facility achieves compliance with the standards prescribed by this Part.
  - j) There shall be no fee or charge for the permit.

(Source: Repealed at 22 Ill. Reg. 1.03, effective JAN 1 1998)

## Section 407.8 Organization and Administration (Repealed)

- a) The members of the governing body of the day care center shall be legally responsible to the Department for maintaining the standards set forth in this Part. The members of the governing body shall be of legal age, have no criminal record, and shall be subject to the standards and references required by Section 407.4(b)(4) and (5) governing background checks.
- b) The governing body shall file with the Department written policies outlining any delegation of responsibility for compliance with this Part and lines of communication between the governing body, facility staff, and parents.
- c) There shall be current written statements publicly available covering the sponsorship purposes and goals of the service, a description of the program and operating policy procedures and forms.
- d) Prior to enrollment the parent(s) or guardian shall be provided information about the program and given an opportunity to observe during the hours of operation.
- e) The following information shall be in writing available to child care staff given to and discussed with the parent(s) or guardian at the time of a child's enrollment:
  - A) Name(s), business address and telephone number of those persons legally responsible for the program and of those persons having immediate responsibility for the daily conduct of the program.
  - B) Statement of services and goals.

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- c) Description of the daily program.
- d) Fees and plan for payment.
- e) Policies regarding delinquent fees.
- f) Types of insurance coverage for children.
- g) Admission, enrollment and discharge policies and procedures.
- h) Hours of operation.
- i) Information regarding part-time enrollment if applicable.
- j) Holiday and vacation schedules.
- k) Arrangements for arrival and departure of children (time, location, transportation).
- l) Provision for emergency medical care treatment of illness and accident which includes:
  - 1) A plan to obtain prompt services of physician and hospitalization if needed.
- m) A plan for immediately notifying the parent or guardian of any illness, accident or injury to the child.
- n) A plan to acquire the services of a certified practitioner for a child exempt from medical care on religious grounds.
- o) Formal religious observance or instruction if any.
- p) Visitation of excursions off the premises.
- q) Procedures concerning personal belongings brought to the center.
- r) Policy regarding release of personal information on the child or family and child or family and parent(s).
- s) Planned means of communication between the center and the parent(s).
- t) The facility shall distribute a summary of the licensing standards provided by the Department to the parent(s) or guardian of each at the time that the child is accepted for care in the facility. A summary of licensing standards shall be issued to the parent(s) or guardian of each child currently in care within sixty (60) days of the effective date of this rule. In addition, consumer information materials provided by the Department including but not limited to information on reporting and prevention of child abuse and neglect and preventing and reporting communicable disease shall be distributed to the parent(s) or guardian of each child cared for when designated for such distribution by the Department. Each child's record shall contain a statement signed by the child's parent(s) or guardian indicating that they have received a summary of licensing standards and other materials designated by the Department for such distribution.
- u) Through interaction with the licensing representative, parent and children and through the operation of the day care center in compliance with requirements of this Part, the governing body and staff shall demonstrate working knowledge of the Child Care Act of



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1969, as amended, the Abused and Neglected--Child--Reporting--Act, as amended--(Ill. Rev. Stat., 1983, ch. 23, para. 2051 et seq.) and standards prescribed by this Part, which affect their particular functions or responsibilities.

f) The governing body shall be responsible for recruiting, hiring, and maintaining staff as required by this Part.

g) The governing body or others designated in writing to represent the facility shall immediately notify the Department of any major changes affecting areas of the facility's operations regulated by this Part. Such major changes include, but are not limited to, governance location, physical plant, financial, staff and equipment needed to meet requirements of this Part.

h) Authorized representatives of the Department shall be admitted to the center during the hours of operation for the purpose of determining compliance with the Child Care Act of 1969 and standards set forth in this Part.

i) The parent(s) or guardian shall be permitted to visit the facility without prior notice during the hours their child(ren) is/are in care.

j) Child care center having more than four employees shall have written personnel policies available to staff at all times. These may include, but are not limited to, job description, salary, wages, pay dates, fringe benefits, social security, workers' compensation, unemployment insurance, holidays, sick time, vacations, probationary period, grievance procedures, promotion, termination of employment and performance evaluation.

k) The facility shall carry public liability insurance in the single limit minimum amount of \$400,000 per occurrence.

(Source: Repealed at 22 Ill. Reg. 1728, effective JAN 1 1988)

## Section 407.9 Finances (Repealed)

a) The day care center shall maintain a degree of financial solvency to assure compliance with the standards prescribed in this Part. A center is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder delay or defraud its creditors. (This definition of "insolvency" is based on the definition contained in the United States Bankruptcy Code of 1978, 11 U.S.C. § 1011.)

b) The center shall maintain records which shall include projected and current operating budget.

c) Financial records shall be maintained and kept in the State of Illinois where they shall be available for licensing review.

(Source: Repealed at 22 Ill. Reg. 1733, effective

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## Section 407.10 General Requirements for Personnel (Repealed)

a) Staff shall generally have the skill and competence necessary to contribute to each child's physical, intellectual, personality, emotional and social development. Factors contributing to the attainment of this standard include:

1) Emotional maturity when working with children.

2) Willingness to cooperate with the aims of the facility.

3) Prepared for child care and adults.

4) Pleasant and patient.

5) Physically and mentally healthy which do not interfere with child care responsibilities.

6) Good personal hygiene.

b) Child care staff, in addition to meeting the requirements of Section 407.10(a), shall generally demonstrate skill and competence necessary to assume direct responsibility for child care:

1) Child care staff shall demonstrate the skills to help children meet their developmental and emotional needs.

2) Child care staff shall demonstrate skill in planning, directing and conducting programs that meet the children's basic needs.

3) Child care staff shall be willing to participate in activities leading to professional growth in child development.

c) No individual shall be in contact with children cared for in a day care center who, within the preceding 10 years:

1) Has been identified through court--(juvenile--criminal--civil)--proceedings as having been a perpetrator of child abuse.

2) Child neglect or child sexual abuse through the Department's investigatory process in accordance with the Abused and Neglected Child--Reporting--Act (Ill. Rev. Stat., 1983, ch. 23, para. 2051 et seq.) as having been a perpetrator of an indicated incident of child abuse.

3) Child neglect or child sexual abuse or child sexual abuse or

4) Is awaiting an investigative decision or trial on such charges.

5) For the purposes of Section 407.10(c)(1) identification through specific court proceedings includes:

A) Circuit findings by a court that a child's neglect or dependency is the result of physical abuse inflicted by a parent, guardian or legal custodian.

B) Criminal convictions and civil judgments regardless of the type of sentence imposed or amount of damages recovered for offenses relating to child abuse--child neglect--or child sexual abuse--resulting from jury trial--bench trial--trial or voluntary guilty plea.

d) Except as stated in Section 407.10(c) an individual convicted of a crime will not automatically be prohibited from contact with children cared for in a day care center solely because of the conviction.

Instead, the governing body or its authorized representative shall

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consider the following:

- 2) the type of crime for which the individual was convicted;
  - 3) the number of crimes for which the individual was convicted;
  - 4) the nature of the offense(s);
  - 5) the age of the individual at the time of conviction;
  - 6) the length of time that has elapsed since the last conviction;
  - 7) the relationship of the crime and the capacity to care for children;
  - 8) Evidence of rehabilitation and
  - 9) Opinions of community members concerning the individual in question.
- e) Newly employed staff shall present the report of physical examination which took place no more than six months prior to employment which provides evidence that they are free of communicable diseases including active tuberculosis or physical or mental conditions which could affect their ability to perform assigned duties.
- f) Cooks kitchen helpers and others assisting in the preparation serving and handling of food and cooking serving utensils shall make their positions known to the examining physician and shall comply with the rules and regulations of the Illinois Department of Public Health pertaining to Food Service Sanitation (77 Ill. Adm. Code 7597).
- g) Staff shall have physical re-examinations every two years and whenever communicable disease or illness is suspected.
- h) A staff member experiencing fever sore throat vomiting or diarrhea shall not be responsible for food handling or the care of children.
- i) Except during the first hour of operation daily the center shall have at least one staff member trained in the administration of first aid on duty at all times.

(Source: Repealed at 22 Ill. Reg. 1760, effective JAN 01 1990)

## Section 407.11 Child Care Director (Repealed)

- a) Except during the center's first hour of operation daily the child care director or a designated employee meeting the requirements of this Section shall be at the facility at all times.
- b) A qualified individual shall be designated as full-time director of each facility.
- 1) The child care director shall be at least 21 years of age.
- 2) The child care director shall have a high school diploma or equivalency certificate.
- 3) In addition to meeting the requirements of Section 407.10 the child care director of a facility serving the same number of groups of pre-school and school age children or more groups of pre-school children than groups of school age children shall have achieved

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- A) Two years of credit from an accredited college or university with 10 semester or equivalent quarter hours in courses related directly to child care and/or child development from birth to age six or
- B) Two years (3120 clock hours) of child development experience in a nursery school kindergarten or licensed day care center one year of college credits with 10 semester or equivalent quarter hours in courses related directly to child care and/or child development and proof of enrollment in an accredited college or university until two hours of college credit have been achieved. A total of 10 hours in courses related directly to child care and/or child development is required to be obtained within the total two years of college credits or
- C) Completion of the credentialing program of the EPA-National Credentialing Award System (the Child Development Associate 1992) with a current credential as a Child Development Associate completion of 12 semester or equivalent quarter hours in courses related to child care and/or child development from birth to age six at an accredited college or university and 2 years (3120 clock hours) child development experience in a nursery school kindergarten or licensed day care center.
- 4) In addition to meeting the requirements of Section 407.10 the child care director of a facility serving more groups of school age children than groups of pre-school children shall have achieved
- A) Six years of credit from an accredited college or university with 10 semester or equivalent quarter hours in courses related to child care and/or child development including courses related to school age children or
- B) Two years (3120 clock hours) of child development experience in a recreational program or a licensed day care center serving school age children one year of college credits with 10 semester or equivalent quarter hours in courses related directly to child care and/or child development and proof of enrollment in an accredited college or university until two years of college credit have been achieved. A total of 10 hours in courses related directly to child care and/or child development including courses related to school age children is required to be obtained within the total two years of college credits.
- 5) Completion of a teacher training program accredited by the American Montessori Society or Association Montessori Internationale may be substituted for the courses directly related to child care and/or child development required by this Section. Persons holding a Montessori pre-primary credential may supervise children through age 67 persons holding a Montessori

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primary or elementary credential may supervise children--6--years of age or older:

- 6) Persons who are currently employed as a director and who meet the qualifications of--the position at the time of their most recent employment are considered qualified--Persons who are currently employed as directors and are working toward becoming fully qualified for the position of director under the standards in force at the time of their most recent employment must continue to work to meet those qualifications until completed--and shall complete them within two years of the effective date of this rule.
- c) The child-care director shall be responsible for the planning and supervision of the program and activities of the children's orientation to newly employed staff on site supervision of all staff and in service training totaling a minimum of 15 clock hours per year for each member of the child-care staff--Orientation and training shall include health and safety procedures planned program activities and meal patterns at the center--and special health developmental or nutritional needs of children assigned to individual child-care staff.
- d) Day care centers licensed for fifty or fewer children or half day programs with children attending no longer than three consecutive hours per day regardless of capacity may employ a child-care director who serves also as child-care worker--where the director serves in both capacities he/she must meet the qualifications of child-care director--when the director must attend to non-teaching responsibilities his/her group must be supervised by a person qualified to be in charge of a group.

(Source: Repealed at 22 Ill. Reg. 123, effective JAN 01 1998)

## Section 407.12 Child Care Workers and Group Workers (Repealed)

- a) Child-care workers shall be at least 19 years of age.
- b) Child-care workers shall have a high school diploma or equivalency certificate.
- c) In addition to meeting the requirements of Section 407.10--the child-care worker responsible for a group of children under age six shall have achieved:
  - 1) Two years of credits from an accredited college or university with six semester or equivalent quarter hours in courses related directly to child-care and/or child development--from birth to age six--or
  - 2) One year (1560 clock hours) of child development experience in a nursery school kindergarten or licensed day care center and one year of credits from an accredited college or university with six semester or equivalent quarter hours in courses related directly to child-care and/or child development--from birth to age six--or

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- 3) Completion of--the credentialing program of--the Child Development Credential Award System (the Child Development Associate) (CDA) with a current credential as a Child Development Associate (CDA) Group workers shall be at least 19 years of age and at least five years older than the oldest child with whom they work.
- c) In addition to meeting the requirements of Section 407.10--the newly employed group worker responsible for a group of school-age children shall have achieved:
  - 1) Two years of credits from an accredited college or university with six semester or equivalent quarter hours in courses related directly to child-care and child development for school-age children--or
  - 2) One year (1560 clock hours) of experience working directly with school-age children and six semester or equivalent quarter hours from an accredited college or university in psychology recreation or child development--or
- 3) A high school diploma or equivalency certificate plus two years of full-time experience in a field related to programming for school-age children.
- f) Completion of a teacher training program accredited by the American Montessori Society or Association Montessori International may be substituted for the courses directly related to child-care and/or child development required by this Section--Persons holding a Montessori pre-primary credential may supervise children through age 6--persons holding a Montessori primary or elementary credential may supervise children 6 years of age or older.
- g) Persons who are currently employed with the responsibilities of a child-care worker or group worker and who meet the qualifications of the position or a comparable position at the time of their most recent employment are considered qualified--Persons who are currently employed with the responsibilities of child-care worker or group worker and are working toward becoming qualified for the position of child-care worker or group worker or a comparable position under the standards in force at the time of their most recent employment must continue to work to meet those qualifications until completed--and shall complete them within two years of the effective date of this rule.

(Source: Repealed at 22 Ill. Reg. 123, effective JAN 01 1998)

## Section 407.13 Child Care Assistants (Repealed)

- e) Child-care assistants shall meet the requirements of Section 407.10

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- with-the-exception-of-subsection-(b)7
- b) Child-care-assistants-shall-have-a-high-school-diploma-or-equivalency certificate-(68b7)
- c) Child-care-assistants-shall-work-under-the-direct-supervision-of-a child-care-worker-or-group-worker-and-shall-not-assume-full responsibility-for-a-group-of-children

(Source: Repealed at 22 Ill. Reg. 1728, effective JAN 01 1998)

## Section 407.14 Use of Students (Repealed)

- a) Students-in-a-field-study-placement-a-practicum-or-vocational-child care-training-program-may-assist-in-the-care-of-the-children-only under-the-direct-supervision-of-a-child-care-worker-or-group-worker
- b) Students-14-years-of-age-or-older-who-assist-in-the-classroom-must-be at-least-16-years-older-than-the-oldest-child-for-whom-their-care-and may-not-be-counted-for-purposes-of-maintaining-the-child/staff-ratio except-as-provided-in-subsection-487.14(f)
- c) Students-who-have-completed-one-year-of-a-vocational-child-care training-program-and-are-16-years-of-age-or-older-who-assist-in-the classroom-must-be-at-least-5-years-older-than-the-oldest-child-for whom-their-care-These-students-may-be-child-care-assistants-when-they regularly-work-less-than-four-hours-per-day-except-during-vacation periods-when-they-may-not-work-more-than-six(6)-hours-per-day-in these-cases-they-may-be-counted-for-purposes-of-maintaining child/staff-ratio-requirements-provided-the-number-of-students-does not-exceed-one-third-of-the-total-staff-required-to-be-present-at-any one-time

- d) Employment-or-use-of-students-shall-not-be-in-violation-of-the Illinois-Child-Labor-Law-(Ill. Rev. Stat. 1981) ch. 48, par. 1-3 and et seq-or-the-child-labor-provisions-of-the-federal-Fair-Labor Standards-Act-(29 U.S.C. 214)

- e) A-plan-for-student-participation-shall-be-mutually-agreed-upon-in writing-by-the-staff-the-representative-from-the-educational institution-and-the-student-participant-where-students-are-enrolled in-a-vocational-child-care-training-program-a-field-study-placement or-a-vocational-child-care-training-program-a-written-plan-shall-be-in-the-student's personnel-file-with-their-facility
- f) There-shall-be-a-written-plan-regarding-the-procedures-for terminating-an-unsatisfactory-student

(Source: JAN 01 1998, at 22 Ill. Reg. 1728, effective JAN 01 1998)

## Section 407.15 Service Staff (Repealed)

- a) Service-staff-shall-have-the-same-personal-qualifications-as-required

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- of-other-staff-(Section-487.18a7)
- b) There-shall-be-sufficient-service-staff-so-that-assignment-of-service duties-shall-not-interfere-with-the-child-care-staff's responsibilities-for-the-direct-care-of-the-children

(Source: Repealed at 22 Ill. Reg. 1728, effective JAN 01 1998)

## Section 407.16 Substitutes and Volunteers (Repealed)

- a) Substitutes-shall-have-the-same-personal-health-administrative-and professional-qualifications-required-of-staff-for-whom-they substitute
- b) Persons-agreeing-to-be-available-as-substitutes-or-for-use-in emergencies-shall-sign-a-written-statement-kept-on-file-in-the facility-certifying-to-their-availability-and-agreement-to-serve-in this-capacity-this-file-shall-be-kept-current
- c) Volunteers-shall-meet-the-same-personal-and-health-requirements required-of-other-staff-(Section-487.18f)
- d) Volunteers-may-serve-in-any-capacity-for-which-they-are-qualified

(Source: Repealed at 22 Ill. Reg. 1728, effective JAN 01 1998)

## Section 407.17 Background Inquiry (Repealed)

As-a-condition-of-issuance-or-renewal-of-a-license-by-the-Department-the-day care-center-shall-require-all-prospective-and-current-employees-who-have-direct contact-with-children-to-furnish-written-information-on-any-offenses-for-which they-have-been-convicted-in-accordance-with-99 Ill. Adm. Code-356--Background inquiry-for-Purchase-of-Service-Providers--the-governing-body-at-its discretion-may-require-volunteers-and-subcontractor-employees-who-have-direct contact-with-children-to-respond-to-written-questions-about-their-background

(Source: Repealed at 22 Ill. Reg. 1728, effective JAN 01 1998)

## Section 407.18 Admission and Discharge Procedures (Repealed)

- a) The-center-staff-shall-ensure-that-admission-procedures-provide sufficient-information-to-enable-the-parent-and-the-child-care-staff to-make-decisions-or-act-on-behalf-of-the-child-with-regard-to-his-or her-life-at-the-facility-Admission-date-obtained-shall-be-on-file-at the-facility-and-shall-include:
- 1) Identifying-information-and-social-and-personal-information-to describe-the-child-recorded-as-prescribed-in-Section-487.32
  - 2) Records-and-Reports
  - 3) Reports-of-health-examinations-unless-waived-in-accordance-with



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## Section 407.29(e):

- 3) Professional evaluations required for admission of children with special needs.
- 4) Signed consent forms from parents, guardian, or persons designated by the parents in writing, including:
  - A) Health care and treatment, including emergency first aid.
  - B) Formal religious instruction if applicable.
  - C) Use of photographs of children for publicity purposes, if applicable.
  - D) Visitation, trips, or excursions off the premises, when appropriate.
  - E) Child's involvement in research, if applicable.
  - F) Daily release of the child.
  - G) Participation in athletic activities, such as swimming or gymnastics.
  - H) Use of facility transportation, if applicable.
- b) The center shall admit only those children eligible under the facility's admission policy.
- c) Evidence of child abuse shall be reported immediately to authorities as required by the Abused and Neglected Child Reporting Act, as amended (Ill. Rev. Stat. 1983, ch. 23, para. 20-1; et seq.).
- d) Children served in the day care center shall not remain on the premises for more than 12 hours in any 24-hour period.
- e) Children shall be admitted and discharged under circumstances which ensure protection of their own and other children's physical and emotional well-being.
- f) The staff shall be alerted to the child's arrival and given the information necessary to help make the child's initial adjustment as comfortable as possible.

- 2) The staff shall understand and consider the child's individual background and needs.
- 3) The staff directly responsible for the child shall be alerted to any personal circumstances which may require special handling.
- 4) Any child who, after attempts have been made to meet the child's individual needs, demonstrates inability to benefit from the type of care offered by the facility or whose presence is detrimental to the group shall be discharged from the facility.
- 5) In all instances when a facility decides that it is in the best interest of the child to terminate enrollment, the child's and parents' needs shall be considered by planning with the parent(s) to meet the child's needs when he or she leaves the facility, including referrals to other agencies or facilities.
- 6) When child care staff conduct a daily pre-admissions screening to determine if the child has obvious symptoms of illness, if symptoms of illness are present, the child care staff shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for

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## the ill child:

- 7) Any child in attendance who becomes ill or who is suspected of illness shall be immediately isolated from the group and shall be removed from the facility as soon as possible.
- 8) A child who does not appear to be fully recovered from an illness shall not be readmitted to the center unless there is a statement by an attending physician that the child is able to return and participate in the activities of the facility.
- f) A child shall be discharged from the facility only to the child's parent(s) or guardian or to a person designated in writing by the parent(s) or guardian to receive the child.
- g) The staff shall refuse to release a child to any person whether related or unrelated to the child, who has not been authorized in writing by the parent(s) or guardian to receive the child. Persons not known to the staff shall be required to provide a driver's license with photo or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- h) When a child is released in accordance with the written instructions of the parent(s) or guardian, any person other than the parent(s) or guardian to the facility shall not be allowed to pick up the child. The child shall be released at the date and time that the child was released.
- i) Other discharge provisions of this Section notwithstanding, a child leaving the day care center to attend school shall be released in accordance with the written authorization of the parent(s) or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.

(Source: Repealed at 22 Ill. Reg. 122, effective JAN 01 1998)

## Section 407.19 Discipline (Repealed)

- a) The facility staff shall use disciplinary measures designed and carried out in such a way as to help individual children develop self-control and to assume responsibility for their own acts.
- i) Simple understandable rules shall be established in writing for both children and staff. These rules shall set the limits of behavior required for the protection of the group and individuals within it.
- 2) Discipline shall be the responsibility of adults who have an ongoing relationship with a child.
- 3) Discipline shall be developmentally related to the child's age and shall not be out of proportion to the particular inappropriate behavior. The child shall be made aware of the relationship between the act and the consequences.
- 4) Removal from the group as a means of helping a pre-school child gain control shall be for periods not to exceed 15 minutes per



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## occurrence:

- 5) If there is an assessment of a child's pattern of unacceptable behavior the entire staff shall be aware of it and cooperate in carrying out the specific plan developed for him or her.
- 6) Firm positive statements about or redirection of behaviors shall be effective controlling techniques used with infants and toddlers.
- 7) Discipline shall encourage self discipline including when appropriate allowing school age children to solve their own problems.
- 8) No child shall be subjected under any circumstances to corporal punishment inflicted in any manner upon the body or to verbal abuse or be deprived of regularly scheduled meals or any part of meals as punishment or punished for toilet accidents.
- 9) Methods of discipline and means of managing the behavior of a child which are not cited in this Section shall be in accordance with 89 Ill. Admin. Code 304.1 Discipline and Behavior Management in Child Care Facilities

(Source: Repealed at 22 Ill. Reg. 1728 effective JAN 01 1998)

## Section 407.20 Personal Care and Hygiene (Repealed)

- a) A child's wet or soiled clothing shall be changed immediately.
- b) Children's hands shall be washed before and after meals and after toileting.
- c) Children shall have a shower tub or sponge baths to ensure bodily cleanliness when necessary.
- d) Toilet articles such as combs brushes toothbrushes towels and washcloths used by children shall be individually provided by parent(s) or facility plainly marked and stored individually in a sanitary manner in areas which promote drying of single use and disposable articles are acceptable.

(Source: Repealed at 22 Ill. Reg. 1728 effective JAN 01 1998)

## Section 407.21 Program (Repealed)

- a) Each child shall be recognized as an individual whose personal privacy choice of activities cultural ethnicity and religious background shall be respected.
- b) The staff of the facility shall demonstrate that the parents are encouraged to visit the facility and observe and participate in the experience of their children.
- c) The program shall include opportunities for a child to have free choice of activities to play alone if desired or with one or several

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## chosen peers

- d) The facility shall provide a basic program of activities geared to the age levels and developmental needs of the children served. The daily program shall be posted and shall provide:
  - 1) Regularity of such routines as eating napping and toileting with sufficient flexibility to respond to the needs of individual children.
  - 2) Balance of active and quiet activity.
  - 3) Both indoor and outdoor activities in which children make use of both indoor and outdoor facilities.
  - 4) Occasional trips and activities away from the facility frequency to be determined by the day care center.
  - 5) A supervised nap period for children under six years of age who remain five or more hours. This nap period for the group should not normally exceed two and one-half hours. Children who remain for as long as four consecutive hours shall have a supervised rest period.
  - e) The daily program of the facility shall provide experiences which promote the individual child's growth and well being and the development of self help and communication skills social competence and positive self identity.
  - f) Program planning shall provide the following:
    - 1) A variety of activities which takes into consideration individual differences in interest attention span and physical and intellectual maturity.
    - 2) Sufficient time for activities and routines so that the children can manage them and progress at their own developmental rate.
    - 3) Sufficient materials and equipment to avoid excessive competition and long waits.
    - 4) Program planning so that the children are not always required to move from one activity to another as a total group.
    - 5) A program that avoids long waiting periods between activities and prolonged periods during which the children must stand or sit and
    - 6) Provision for privacy through arranging a small quiet area that is easily accessible to the child who seeks or needs time to be alone.
    - g) The program shall take into account the stress and fatigue that result from constant pressures and stimulation of long hours in a group living situation.
    - h) Activity areas equipment and materials shall be arranged so that staff can be easily aware of the child's presence and activity at all times.
    - i) Equipment shall be arranged in orderly clearly defined areas of interest with sufficient space in each area for the children to see various activities available to them.
    - j) Staff assignments shall be such that children experience comfortable ongoing relationships with adults every attempt shall be made to

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establish-a-primary-relationship-between-each-child-and-one-adult-

(Source: Repealed at 22 Ill. Reg. 1728, effective JAN 01 1988)

## Section 407.22 Equipment and Materials (Repealed)

- a) Equipment-and-materials-for-both-indoor-and-outdoor-use-shall-be appropriate-to-the-age-and-developmental-needs-of-the-children-served. Such-equipment-and-materials-for-infants-toddlers-and-pre-school children-shall-be-provided-in-the-quantity-and-variety-specified-in Appendix-C-Minimum-Equipment-and-Supplies-Pre-School-Programs-and Appendix-B-Minimum-Equipment-and-Supplies-Infant-and-Toddler Programs;
- b) Outdoor-equipment-shall-be-placed-so-as-to-avoid-collisions-and accidents-while-still-permitting-freedom-of-action-by-the-children;
- c) Supports-for-climbing-apparatus-and-large-equipment-shall-be-securely fastened-to-the-ground;
- d) Where-shall-be-a-safety-assistant-surface-or-a-pad-under-all-climbing equipment-from-when-children-may-fall;
- e) Supports-shall-be-securely-fastened-if-provided-for-equipment-not-permanently secured-to-the-ground-unless-indoor-storage-is-available;
- f) Healthy-household-pets-which-present-no-danger-to-children-are permitted-on-the-premises-unless-prohibited-by-local-health regulations; A-licensed-veterinarian-shall-certify-that-the-animals are-free-of-diseases-that-could-endanger-for-children;
- g) All-animals-shall-be-physically-separated-from-children-both indoors-and-outdoors-except-as-a-portion-of-a-specifically planned-program-activity-under-the-direct-supervision-of-a-staff member;
- h) Immediate-treatment-shall-be-obtained-for-any-child-who-sustains a-bite-or-scratch-from-an-animal-and-the-child's-parent(s)-shall be-notified-in-addition-the-county-animal-control administrator-or-designated-agency-shall-be-notified-and provisions-of-the-illinois-Animal-Control-Act-(Ill.-Rev.-Stat. 1987-ch.-67-pars.931-et-seq)-shall-be-followed;

(Source: Repealed at 22 Ill. Reg. 1728, effective JAN 01 1988)

## Section 407.23 Grouping and Staffing (Repealed)

- a) The-facility-shall-provide-staff-to-ensure-the-care-and-safety-of-the children-at-all-times;
- g) The-ratio-of-child-care-staff-to-children-present-at-any-one-time

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shall-be-as-follows:

Age	Staff	Children
Infants--(6-wks.-to-15 mos.)	1	4
Toddlers--(15-mos.-to-2 years)	1	5
2-years	1	6
3-years	1	10
4-years	1	10
5-years-kindergarten	1	20
School-age	1	20
Mixed-Ages	Staff	Children
2-3-years	1	6
2-5-years	1	6
3-4-years	1	10
3-5-years	1	10
4-5-years	1	10
School-age	1	20
2) The-total-number-of-children-in-any-one-group-shall-not-exceed the-following-maximum-number-at-any-one-time:		
Infants		12
Toddlers		14
Infants-Toddlers		14
Two-to-three-year-olds		16
Two-to-five-year-olds		16
Three-to-four-year-olds		20
Three-to-five-year-olds		20
Four-to-six-year-olds		20
Six-year-olds-and-older		30
3) The-following-exception-to-Section-407.23(a)-is-permitted--a child-care-worker-or-group-worker-aided-by-a-child-care assistant-may-supervise-a-group-of-up-to-30-children-5-years-of-age-or-older. However-when-the-number-of-school-age-children-in a-group-exceeds-20--the-group-shall-be-supervised-by-a-group worker		
4) Facilities-licensed-for-10-or-fewer-three-to-five-year-old children--operating-with-only-one-regular-staff-person-shall provide:		
A) A-day-assistant-to-help-at-those-times-when-attention-must be-given-to-activities-other-than-direct-care-of-children;		
B) At-least-two-persons-who-can-respond-to-a-call-and-be-on-the premises-within-five-minutes-so-that-the-adult-in-charge will-not-have-to-leave-the-children-unattended;		

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- 6) A substitute who shall be familiar with the children and program.
- 7) The facility shall have developed a staffing plan which organizes the staff and enables them to give continuity of care and supervision to the children on a day-by-day basis.
- 8) Staff changes shall be minimized so that the child can experience consistent relationships with as few adults as possible.
- 9) Staff shall be aware of the presence and activities of the children under their care.
- 10) Substitutes shall be provided for staff needed to meet the requirements of this Part.
- 11) Substitutes shall visit the facility to become generally familiar with the program in advance of the time they may be called.
- 12) With the exception of infants and toddlers, children may be under the direct supervision (staff in the same room) of 50% of the staff required by this Section during nap times provided the required staff-to-child ratio is maintained on the premises.
- 13) Infants and toddlers shall be under the direct supervision of staff required by this Section at all times.
- 14) Children shall not be left unattended at any time.

(Source: Repealed at 22 Ill. Reg. 1722, effective JAN 01 1998)

## Section 407.24 Nutrition (Repealed)

- 1) Food requirements for children between 6 weeks and the age of eating table food shall be geared to the needs of the individual child and determined by consultation with the parents.
- 2) The main meal for children between birth and the age of eating table food shall be nutritionally balanced, conforming to age-appropriate guidelines set forth in the Nutritional Pattern Chart for Children 6 to 12 years, as reflected on the Nutritional Pattern Chart for Children 6 to 12 years, in compliance with the following:
- 3) Indicated by parents in compliance with the following:
- 4) Children one year of age and older in attendance for more than two but less than five years shall be served a mid-season snack consisting of one-half cup of pure fruit juice or full-strength canned or frozen fruit juice which contains at least 30 milligrams of Vitamin C per serving, or one to one-half cup of pasteurized milk, or one serving of citrus fruit, if the child's hours at the facility coincide with any meals and snacks that are provided by the facility; the child shall be served those meals and snacks.
- 5) Children one year of age and older who are in attendance five to ten hours shall be served a quantity of food that will supply 1/3 to 1/2 of their recommended dietary allowances; this shall include a mid-morning and a mid-afternoon snack which conforms to Section 497.24(c) and a nutritional meal conforming to age-appropriate portion reflected in the Nutritional Pattern Chart For Children Over One Year of Age.

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- 1) Appendix B:
- 2) The main meal shall be a hot meal except during the months of June through September when a cold meal conforming to Meal Pattern Chart Appendix B may be substituted.
- 3) A snack in conformance with Section 497.24 (c) shall be served to school-age children when they arrive at the facility after school.
- 4) Children who come to the facility from school for a lunch program shall be served a nutritionally balanced meal in accordance with the Meal Pattern Chart Appendix B.
- 5) School-age children shall be served alone or with younger children if this can be accomplished without disruption to the ongoing program.
- 6) Menu requirements:
- 7) Menus shall be planned, dated, and posted for one week in advance and corrected as served. Corrected menus shall be on file at the center and available for review by the licensing representative. Current menus shall be posted.
- 8) Menus shall be planned with consideration for cultural and ethnic patterns but must also be nutritionally equivalent to the requirements of this Section.
- 9) Entered foods shall meet the requirements of this Section.
- 10) Lunches shall not be brought from home as a substitute for a meal provided by the facility. Picnic lunches which conform to Meal Pattern Chart for Children Over One Year of Age (Appendix B) may be served.
- 11) Provisions of this Section notwithstanding, a child requiring a special diet due to medical reasons, allergic reactions, or religious beliefs shall be provided meals and snacks in accordance with the child's needs and the written instructions of the child's parent(s), guardian, or a licensed physician. Such instructions shall list any dietary restrictions, requirements and shall be signed and dated by the physician requesting the special diet. The facility shall be served by the parent(s) or guardian. The center shall be responsible for assuring that it is properly stored and served to the specific child in accordance with the diet instructions on file at the center. Records of food intake shall be maintained when indicated by the child's physician.
- 12) Food service requirements:
- 13) All meals shall be suitable for children and shall be prepared by methods designed to conserve nutritive value, flavor, and appearance.
- 14) Adults shall sit at the tables with the children during meals.
- 15) Delays in food service shall be avoided so that children do not have to sit and wait.
- 16) Meals shall be relaxed and unburied.
- 17) Children shall not be forced to eat.
- 18) Tables, chairs, dishes, glasses, and eating utensils shall be of

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- design-and-size-suitable-for-children-of-the-age-served-  
 1) The facility shall have drinking water freely available to all children. Water shall be offered at intervals to infants and toddlers.  
 2) Drinking fountains and/or disposable cups for individual use shall be provided.

(Source: Repealed at 22 Ill. Reg. 1720, effective

JAN 01 1998

## Section 407.25 Night Care (Repealed)

- a) A center receiving children for night care shall comply with standards for all day care centers except when inconsistent with the special requirements prescribed by this Section.  
 b) Staff counted for purposes of meeting child/staff ratio requirements shall be awake at all times.  
 c) Each child shall have an individual cot, bed, or crib equipped with comfortable bedding appropriate to the indoor room temperature and maintained in sanitary and safe condition.  
 d) Each child shall have an individual washcloth, towel, toothbrush, comb or brush, and sleepwear furnished either by the center or the child's parent(s).  
 e) The night care program shall facilitate a relaxed atmosphere characterized by informal quiet activities.  
 1) Scheduling shall reflect the need for regularity in meeting basic needs such as relaxation, meals, self-care, and sleep.  
 2) Evening activities shall be primarily self-selected by individuals. Selections shall be chosen from activities such as, but not limited to, outdoor play, reading, listening to music, table games, group games, conversation, listening to music, watching television, dramatic play, and art.  
 3) Self-care routines shall include:  
 A) Brushing teeth at bedtime or upon rising;  
 B) Brushing the hair upon rising; and  
 C) A routine for toileting scheduled at bedtime and upon rising.

- 4) Sleeping arrangements shall be such that the children who stay all night are not disturbed by the departure of those who stay only a portion of the night.  
 5) An evening meal shall be served at a regular time each evening to all children then in attendance and shall be available to other children who may arrive without having first eaten.

- g) A bedtime snack shall be served to each child.  
 h) Breakfast shall be provided for all children who have been at the facility throughout the night and are present between 6:30 and 8:30 a.m.

(Source: Repealed at 22 Ill. Reg. 1720, effective

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## Section 407.26 Children with Special Needs (Repealed)

- a) A center receiving children with special needs shall comply with standards for all day care centers except when inconsistent with the special requirements prescribed in this Section.  
 b) There must be written evidence on file that resource personnel with appropriate expertise have been consulted and their recommendations considered in planning program activities for children identified as having special needs.  
 c) Recommendations made by the resource personnel and designed into a program plan by the resource team for the child with special needs shall be implemented. The resource team shall consist of the director, direct child care staff, and registered, licensed, and/or certified resource personnel such as physicians, psychologists, social workers, speech therapists, physical and occupational therapists, educators, and other technical and professional personnel as indicated by the child's special needs.  
 d) All program recommendations from resource persons related to a child's special needs shall be evaluated and reviewed at least twice a year.  
 e) Parents shall be fully informed and in agreement with all procedures undertaken in relation to the child's needs.  
 f) When a facility agrees to accept a child with special needs who attends a school, school records shall be obtained by the facility and communication with school personnel and parents regarding the child's special needs and progress shall be maintained.  
 g) Building and equipment shall be designed so that every child can make maximum use of the facility as safely and as independently as possible.  
 1) The facility areas to be utilized by a child with special needs shall be adapted as necessary to accommodate special devices which may be required to function independently.  
 2) Minimum space requirements per child with special needs shall be 35 square feet.  
 3) A special area shall be maintained for the purpose of providing privacy for diapering, dressing, and other personal care procedures.  
 h) Persons rendering special professional services to these children must be registered according to state registration and/or certification law currently in effect, applicable or must function under the direction of a person so qualified. (See Appendix B for professions requiring license or registration.)  
 i) When a facility serves eight or more children with special needs, the identified staff person or persons directly responsible for planning and coordinating activities for these children shall have achieved training at the college and/or university level which includes:  
 1) A course that deals with normal child development.



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- 3) A course that deals with problems and treatment of exceptional children
- 4) The staff serving children who require special program services shall receive in-service training that relates to the specific needs of the children served
- 5) When children with special needs are served as a group, the ratio of child-care staff to the number of children served shall be 1:4. This ratio excludes student helpers under 18 years of age and adults who are also served in the program
- 6) Medical consultation and direction shall be available to staff. Other medical services such as direct medical care to the child shall be administered as required by a physician subject to receipt of appropriate releases from parents. These shall be on file for each child for administration of any and all prescribed medicine
- 7) Individual records shall be made available to parents and shall include information needed to assist the staff in planning effectively to meet each child's needs and shall be kept confidential. No record or portion thereof shall be transferred without written parental permission
- 8) The individual record shall include:
- A) All assessments
  - B) Program recommendations
  - C) Program provisions to meet recommendations
  - D) Program evaluations and
  - E) Facilities shall make known to the parents that records are available

(Source: Repealed 22 Ill. Reg. 4723, effective

JAN 01 1986)

## Section 407.27 Infants and Toddlers (Repealed)

- 1) A center receiving children within the infant and toddler age range shall comply with standards for all day care centers except when inconsistent with the special requirements prescribed by this Section
- 2) A center serving infants and toddlers shall have a licensed physician registered nurse licensed practical nurse or licensed physician assistant with training or experience in infant care to instruct child care staff in the proper health care of infants and toddlers
- 3) The person shall visit the facility to observe the child care techniques of the staff and provide in-service training. Visits shall be at least weekly during the permit period and monthly thereafter
- 4) A facility for infants and toddlers shall have sufficient indoor and outdoor space and appropriate furniture to provide for support functions necessary to the program
- 5) Separate space for infants and toddlers shall be available away from older children except in facilities enrolling 10 or fewer
- 6) When infants play and sleep in the same room there shall be a minimum of 35 square feet of space per child for play area plus a minimum of 30 square feet of space per child for sleeping area with at least two feet between each crib or cot
- 7) When infants play and sleep in separate rooms there shall be a minimum of 35 square feet of play space per child and a minimum of 30 square feet of space per child for sleeping area with at least two feet between each crib or cot
- 8) When toddlers play and sleep in the same room using stackable cots there shall be 30 square feet of space per child
- 9) When toddlers play and sleep in the same room using cribs there shall be a minimum of 35 square feet of space per child. However, when children are in their cribs there must be a minimum of two feet between the cribs
- 10) When toddlers play and sleep in separate rooms there shall be a minimum of 35 square feet of play space per child and a minimum of 30 square feet of space per child for sleeping with at least two feet between each cot or crib
- 11) A sink or lavatory for the infant/toddler program shall be easily accessible for the use of staff for hand washing and for use by the children
- 12) A toilet for the infant/toddler program shall be easily accessible so that the concerns of children if used may be discussed with the parents without the diaper pail
- 13) One toilet with training seat child size toilet or potty chair shall be provided for every three toddlers being toilet trained
- 14) No extension cords shall be used in areas accessible to children
- 15) All electrical cords not in use with supervision of an adult shall be unplugged and the outlets covered
- 16) There shall be a heating unit for warming bottles and food accessible only to adults
- 17) A safety sturdy well constructed individual free standing crib or portable crib or playpens used for sleeping shall be equipped with good firm fitting mattress made of materials that can be washed. Stacking cots constructed of washable materials or full size cribs shall be provided for toddlers
- 18) There shall be no more than 1 1/2 inches of space between the mattress and bed frame when the mattress is pushed flush to the corner of the crib
- 19) A refrigerator shall be available and easily accessible to the children's room
- 20) Conveniently located washable plastic lined covered receptacles shall be provided for soiled diapers and linens
- 21) Indoor and outdoor play materials and equipment suitable for staff to use with infants and toddlers to stimulate learning growth healthy and development shall be provided
- 22) Equipment and play materials shall be durable and free from

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- 23) When infants play and sleep in the same room there shall be a minimum of 35 square feet of space per child for play area plus a minimum of 30 square feet of space per child for sleeping area with at least two feet between each crib or cot
- 24) When infants play and sleep in separate rooms there shall be a minimum of 35 square feet of play space per child and a minimum of 30 square feet of space per child for sleeping area with at least two feet between each crib or cot
- 25) When toddlers play and sleep in the same room using stackable cots there shall be 30 square feet of space per child
- 26) When toddlers play and sleep in the same room using cribs there shall be a minimum of 35 square feet of space per child. However, when children are in their cribs there must be a minimum of two feet between the cribs
- 27) When toddlers play and sleep in separate rooms there shall be a minimum of 35 square feet of play space per child and a minimum of 30 square feet of space per child for sleeping with at least two feet between each cot or crib
- 28) A sink or lavatory for the infant/toddler program shall be easily accessible for the use of staff for hand washing and for use by the children
- 29) A toilet for the infant/toddler program shall be easily accessible so that the concerns of children if used may be discussed with the parents without the diaper pail
- 30) One toilet with training seat child size toilet or potty chair shall be provided for every three toddlers being toilet trained
- 31) No extension cords shall be used in areas accessible to children
- 32) All electrical cords not in use with supervision of an adult shall be unplugged and the outlets covered
- 33) There shall be a heating unit for warming bottles and food accessible only to adults
- 34) A safety sturdy well constructed individual free standing crib or portable crib or playpens used for sleeping shall be equipped with good firm fitting mattress made of materials that can be washed. Stacking cots constructed of washable materials or full size cribs shall be provided for toddlers
- 35) There shall be no more than 1 1/2 inches of space between the mattress and bed frame when the mattress is pushed flush to the corner of the crib
- 36) A refrigerator shall be available and easily accessible to the children's room
- 37) Conveniently located washable plastic lined covered receptacles shall be provided for soiled diapers and linens
- 38) Indoor and outdoor play materials and equipment suitable for staff to use with infants and toddlers to stimulate learning growth healthy and development shall be provided
- 39) Equipment and play materials shall be durable and free from



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characteristics that may be hazardous or injurious to infants and toddlers. Hazards or injurious characteristics include sharp rough edges, toxic paint, and objects small enough to be swallowed.

- 2) Equipment and play materials shall be maintained in sound, clean condition at all times.

e) Care of the children shall be given in such a manner as to ensure that the health and safety needs, as well as the nurturing requirements of the children are met.

- 1) Diapering and toileting

A) Infants and toddlers shall be diapered in their own cribs, at a central diapering area on a surface that is sanitized after each use or on a disposable paper sheet which is disposed of after each diapering.

B) Each child's hands shall be washed prior to the anal area being cleaned and diaper changed. Diapers shall be changed with a second clean cloth or diaper.

C) The fecal contents of the diaper shall be disposed of into a flushing toilet, with the diaper then being placed in a diaper pail.

B) Adults shall wash hands with soap and running water after each diaper change.

B) Bathroom odors shall be controlled.

P) There shall be a parent staff consultation prior to toilet training.

- 2) Feeding

A) Hands of staff members shall be washed and dried with individual or disposable towels before each feeding of individual children. Each child's hands shall be washed and dried with individual or disposable towels before each feeding.

B) Flexible feeding schedule of infants shall be established to coordinate with parents' schedules at home and to allow for nursing infants.

C) Infants up to 6 months of age shall be held while being bottle fed. Infants of more than 6 months may be held if needed. Bottles shall not be propped at any time. When infants are old enough to hold their own bottles they may feed themselves without being held. The bottle must be removed once the child has fallen asleep.

B) If the child's formula is brought in by the parent it shall be labeled and placed in the refrigerator.

E) Foods stored or prepared in jars shall be served from a separate dish for each infant. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the infant's name, dated, refrigerated, and served within 24 hours or discarded.

F) Children shall be allowed and encouraged to feed themselves.

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Supportive help to the child from the staff shall be maintained for as long as the child needs such help.

- 3) Sleeping

A) Each child shall be placed in a separate bed that has the child's name visible.

B) Very young infants who cannot turn over alone shall be placed on their abdomen for their naps and immediately after a feeding unless a physician has ordered otherwise.

C) Sheets shall be changed when soiled. All sheets shall be changed routinely two times per week.

D) All beds shall be wiped clean as often as necessary and cleaned twice a week with a germicidal solution.

E) All beds shall be thoroughly cleaned when each child is no longer enrolled in the nursery. At no time will two children be allowed to share the same bed during their time of enrollment unless it is thoroughly cleaned between each child's use.

F) Routines such as naps and feeding shall take into consideration parents' information and wishes about the routines followed in the home.

- 4) Sanitary procedures

A) All cooking and feeding utensils shall be washed after each use.

B) Toys and equipment shall be cleaned daily with a germicidal solution.

C) A child's toilet seat or potty shall be cleaned and sanitized after each use.

F) Infants and toddlers shall be provided a daily program that is designed to meet the developmental needs of children of this age.

I) The same staff member shall feed, diaper, and play with a child every day so as to establish interaction and to establish continuity in the child's relationship with as few adults as possible.

J) Children shall be free to creep, crawl, toddle, and walk as they are physically able.

K) Children shall be taken outdoors for a portion of every day weather permitting.

L) A variety of toys shall be accessible on low open shelves for the children to use and these shall be rotated with stored toys.

M) For these infants who cannot move about the room, the staff shall frequently change the place and position of the child and the selection of toys available.

N) Information shall be kept and made available to parents when the child is picked up at the end of the day. This shall include information important for parents to know such as facts of feeding and elimination.

O) Opportunities for interaction with parents, brothers and sisters of other relatives and older children in the facility shall be

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- provided for and encouraged on a continuing basis:
- a) The daily program for infants and toddlers shall provide experiences which promote the individual child's growth and well-being in the development of gross-motor skills, sensory, language, cognitive and positive self-concept.
  - b) Infants who are awake shall be moved to different positions at least every 30 minutes and shall be held, rocked, and carried about.
  - c) Self-care such as washing, dressing, toileting, brushing and combing shall be encouraged as each child shows evidence of ability to do so.

(Source: Repealed at 22 Ill. Reg. 1785, effective JAN 01 1983)

## Section 407.28 School-Age Children (Repealed)

- a) A center receiving children within the school-age range shall comply with standards prescribed for all-day care centers except when inconsistent with the special requirements prescribed by this Section.
- b) The facility shall provide a designated area so that the children's presence shall not interfere with the needs and care of younger children.
- c) Definitions of legal responsibility and procedures shall be established when parent, facility and school when children move to after school.
- d) A parent shall be legally responsible for the child enroute unless transportation is provided by the facility or the school.
- e) Procedures shall be established and agreed upon in writing by the parents, the school and the facility including but not limited to:
  - A) Children leaving the facility to go to school
  - B) Children leaving school to go to the facility
  - C) Children leaving the facility and/or
  - D) Children leaving school for regular school activities or visiting friends
- f) Indoor equipment shall be available so as to provide for active and quiet play appropriate to the age levels and developmental needs of the children.
- g) Outdoor equipment appropriate to the developmental levels of the children in care shall be provided including sports equipment outdoor games and activities.
- h) The facility shall provide a program and activities that recognize the developmental and educational needs of school-age children who need group care before and after school.
- i) Other activities such as but not limited to puzzles, small games, reading books, simple art or special projects and opportunities to do homework shall be available on a free-choice basis to children waiting in the facility to leave for school during the morning hours.

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- 2) Children who have been in school all day shall have time set aside for relaxation and recreation immediately upon arrival from school.
- 3) Opportunity shall be available for the development of skills in areas such as but not limited to sports, art, and music.
- 4) Special projects outside the confines of the facility shall be provided such as trips to the library.
- 5) The program shall be flexible to allow the children to participate in after school activities sponsored by the school.

(Source: Repealed at 22 Ill. Reg. 1786, effective JAN 01 1983)

## Section 407.29 Health Requirements for Children (Repealed)

- a) A medical report or form prescribed by the Department shall be on file for each child and shall be dated no earlier than 6 months prior to enrollment.
- b) The medical report shall be valid for two years except that subsequent examinations for school-age children shall be in accordance with the requirements of the Illinois School Code (Ill. Rev. Stat. 1991 ch. 122, par. 23-817) provided copies of the exam are on file at the facility.
- c) A tuberculin test shall be included in the initial exam only.
- d) The report shall indicate that the child has been immunized as required by the Rules and Regulations of the Illinois Department of Public Health for immunizations. These required immunizations are polio, measles, rubella, diphtheria, pertussis, tetanus and hemophilus influenzae B.
- e) In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing signed by the parent and kept in the child's record.
- f) Exemptions made for children who for medical reasons should not be subjected to immunizations or tuberculin test shall be so indicated by the physician on the child's medical form.
- g) Necessary immunizations may be administered to a child at the facility provided that:
  - 1) The facility shall maintain a record of the dates, hours, dosage and the name of the person administering them.
  - 2) Prescription medications shall be labeled with the child's name, directions for administering the medication, the date and the physician's name, the prescription number and drug store or pharmacy.
  - 3) Medications shall be administered as required by a physician subject to the receipt of appropriate releases from parents and these shall be on file for each child for the administration of

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- any-and-all-prescribed-medications;
- 4) Nonprescription-medication-may-be-administered-upon-written-parental-permission--Such-medication-shall-be-administered-in accordance-with-package-instructions-and,except-for-aspirin-and aspirin-substitute,shall-be-labeled-with-the-child's-name-and dated.
- 5) Medications-shall-be-kept-in-locked-cabinets-or-containers-which are-in-an-area-well-lighted-and-out-of-reach-of-children-even-if medications-must-be-refrigerated.
- 6) The-following-additional-procedures-shall-be-followed-for-infants and-toddlers:
- A) Positioning-board-or-clipboard-shall-be-placed-in-a-visible position-with-the-child's-medication-in-their-and-medication-prescription-number-labeled-on-the-board-the-labeled-shall be-the-name-of-the-person-administering-the-medication.
- B) Each-time-the-medication-is-given-the-medication-time-shall be-crossed-off-the-board.
- C) The-name-person-on-a-shift-shall-be-responsible-for administering-medication.

(Source: Repealed at 22 Ill. Reg. 1787, effective JAN 01 1998.)

## Section 407.30 Transportation (Repealed)

- a) A-center-providing-transportation-services-shall-comply-with-the driver-licensing-Rules-of-the-Road-financial-responsibility-vehicle equipment-and-vehicle-inspection-provisions-of-the-Illinois-Vehicle Code-(Ill. Rev. Stat. 1993, ch. 95-1/2, pars. 6-109; -6-109.7; -6-109.8; -6-109.9; -6-109.10; -6-109.11; -6-109.12; -6-109.13; -6-109.14; -6-109.15; -6-109.16; -6-109.17; -6-109.18; -6-109.19; -6-109.20; -6-109.21; -6-109.22; -6-109.23; -6-109.24; -6-109.25; -6-109.26; -6-109.27; -6-109.28; -6-109.29; -6-109.30; -6-109.31; -6-109.32; -6-109.33; -6-109.34; -6-109.35; -6-109.36; -6-109.37; -6-109.38; -6-109.39; -6-109.40; -6-109.41; -6-109.42; -6-109.43; -6-109.44; -6-109.45; -6-109.46; -6-109.47; -6-109.48; -6-109.49; -6-109.50; -6-109.51; -6-109.52; -6-109.53; -6-109.54; -6-109.55; -6-109.56; -6-109.57; -6-109.58; -6-109.59; -6-109.60; -6-109.61; -6-109.62; -6-109.63; -6-109.64; -6-109.65; -6-109.66; -6-109.67; -6-109.68; -6-109.69; -6-109.70; -6-109.71; -6-109.72; -6-109.73; -6-109.74; -6-109.75; -6-109.76; -6-109.77; -6-109.78; -6-109.79; -6-109.80; -6-109.81; -6-109.82; -6-109.83; -6-109.84; -6-109.85; -6-109.86; -6-109.87; -6-109.88; -6-109.89; -6-109.90; -6-109.91; -6-109.92; -6-109.93; -6-109.94; 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monthly fire drills shall be conducted at the center for the purpose of training children from the center as quickly as possible. Records shall be maintained of the dates and times fire drills are conducted.

- 4) In facilities established after the effective date of this rule infants and toddlers shall be housed and cared for on ground level. Travel distance between any point in a room used for infants and toddlers and an exit discharging directly outside shall not exceed 150 feet.
- 5) The program shall be modified, as needed, when there are adverse environmental conditions caused by weather, heating or cooling difficulties or other such problems.
- 6) Where shall be sufficient indoor space to conduct the program:
  - 1) There shall be a minimum of 35 square feet of activity area per child in centers for normal children two years of age and older.
  - 2) This space is exclusive of exit passages and fire escapes, which must be clear. This space is also exclusive of administrative space, storage areas, bathrooms, kitchen, space required for equipment that is not used for direct activities with children and gymnasiums or other areas used exclusively for large muscle activity or active sports.
- 7) During nap time there shall be at least two feet of space on at least two sides between cots.
- 8) Storage space shall be provided for cot bedding and other equipment.
- 9) One roomy no matter how larger shall accommodate only one group except that room dividers or program equipment at least 36 inches high may be used to define and separate the space for each group of children up to age five. Gymnasiums and similar sized areas may accommodate two groups without dividers when used for large muscle activity and active sports.
- 10) All rooms or spaces accommodating more than one group shall be provided with an acoustic ceiling or its equivalent in noise reduction. If covering or carpeting is used to control noise, it shall not be required in water play, painting and similar areas.
- 11) Indoor space shall provide a safe comfortable environment for the children.
- 12) Adjustable window shades, drapes or venetian blinds shall be provided.
- 13) The floors and floor covering shall be washable and free from drafts, splinters and dampness.
- 14) Walls, paint or finishes shall not be on walls, window sills, beds, toys or any other equipment materials or furnishings which may be used by children or within their reach. Fading or damaged paint or plaster shall be repaired promptly to protect children from possible hazards.
- 15) Any thermal hazards (radiators) hot water pipes, steam pipes or other

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- 16) Areas in the space occupied by children shall be out of the reach of children or be separated from the space by partitions, screens or other means.
- 17) Stairs, ramps, ladders, matches, lighters, flammable liquids, drugs, power tools, cleaning supplies and any other well items which might be harmful to children shall be kept in areas inaccessible to children.
- 18) The facility shall be well ventilated and shall maintain a temperature of not less than 60 degrees Fahrenheit and not more than 74 degrees Fahrenheit measured 3 feet above the floor. Relative humidity shall be maintained at between 35 and 60 percent.
- 19) Areas where children read, paint or participate in other activities requiring close eye work shall be provided with a minimum of 50 foot candles measured 2 feet above the floor.
- 20) Artificial light sources shall be protected from hazards of breakage by installation of covers or shields. Other areas may be provided with foot candles of varying intensity depending on the usage. The average foot candles for the entire classroom area shall be at least 30 foot candles measured 2 feet above the floor.
- 21) A safe outdoor play area shall be provided:
  - 1) The outdoor play area shall accommodate 25 percent of the licensed capacity at any one time.
  - 2) There shall be a minimum of 75 square feet of safe outdoor play area per child for the total number of children using the area at any one time.
  - 3) Play space shall be safely enclosed or otherwise protected from traffic and other hazards.
  - 4) Protective surfacing such as but not limited to grass, p-gravel and mulching shall be provided in areas where climbing apparatus is used.
  - 5) There shall be provided a surface that is suitable for children's wheels, vehicles and pull toys.
  - 6) Play areas shall be well drained and maintained in a safe, clean and sanitary manner.
  - 7) There shall be open and sheltered areas to permit children to enjoy activities in either sun or shade and to protect them from exposure.
  - 8) If an area is reserved with the facility such as a public park or playground is used for play or recreation, the children shall be closely supervised both during play and while traveling to and from the area.
  - 9) Gates and lavatories shall be readily accessible to the children.
  - 10) Ice toilets and lavatories are not child sized, safe steps shall be provided.
  - 11) Hot and cold running water shall be provided.
  - 12) Mild soap and individual towels shall be available and used.



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## Toilets may be disposable:

- 4) Hot water supplied to lavatories, bathing facilities, and other plumbing fixtures used by children shall be tempered, or thermostatically controlled to less than 120°F.
- 5) The following ratios of lavatories and toilet facilities shall be provided:

Number of Children in day care facility	Toilets/Lavatories
1 to 10	1
11 to 25	2
26 to 35	3
36 to 45	4
46 to 75	5
76 to 100	6
101 to 125	7
126 to 150	8
151 to 175	9

- 6) Toilet and handwashing areas for school-age children shall provide for privacy.
- 7) Toilets shall be within close proximity to the children's activity areas; if this is not possible in existing facilities, an adult shall accompany children four years of age and younger.
- 8) Toilet and lavatories shall be readily accessible to the staff.
- 9) Kitchen sinks used for food preparation shall neither be used as handwashing lavatories nor included in the total number of handwashing lavatories required.
- 10) Space shall be provided for a child who becomes ill at the center. Such space shall be ventilated and heated, equipped with a cot and materials that can be easily sanitized and shall be within sight and hearing of an adult.
- 11) A safe and sanitary water supply shall be maintained; if a private water supply is used instead of a public water supply, the center shall supply written records of a urine test results indicating the water supply is safe for drinking. New test results must be provided prior to retreating; if nitrate content exceeds 10 parts per million, bottled water must be used for infants.
- 12) Swimming and wading pools shall be safely maintained and supervised.
- 13) All swimming pools, whether at the facility or elsewhere, shall meet the Minimum Sanitary Requirements for the Design and Operation of Swimming Pools and Bathing Beaches of the Illinois Department of Public Health (to be modified at 7-111 Adm. Code 689):
- 2) All in-ground or above-ground swimming pools located in areas accessible to children shall be fenced; the fence shall be at least 3 1/2 ft. in height and secured with a locked gate.
- 3) When children are swimming, supervision shall be at all times include at least one person currently certified as a lifeguard or water safety instructor by the American Red Cross.

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- (lifeguarding, rescue and water safety, prepared by American Red Cross 1991) or equivalent water safety program.
- 4) All staff, volunteers and other adults who are counted in the staff/child ratio for swimming shall receive basic water safety instruction from the person certified in life-saving per Section 40-211(j)(3).
- 5) The following staff/child ratio shall be maintained when children are swimming, whether at the facility, swimming pool or at other public or private swimming pools, lakes, parks, or recreational swimming facilities:
- | Age              | Staff | Children |
|------------------|-------|----------|
| infants/toddlers | 1     | 1        |
| 2 years          | 1     | 4        |
| 3 years          | 1     | 6        |
| 4 years          | 1     | 8        |
| 5 years          | 1     | 10       |
| school age       | 1     | 15       |
- 6) Portable wading pools shall be emptied after each use and cleaned with a germicidal solution before being air-dried. Portable wading pools, splash pools and other basins used for water play (activities) which are not required to be licensed by the Illinois Department of Public Health shall be emptied after use and cleaned with a germicidal solution before being air-dried.
- 7) Kitchen areas shall be clean and equipped for preservation storage, preparation and serving of food. Provision shall be made for the cleaning and sanitation of dishes.
- 8) All garbage and refuse within the center shall be collected daily and stored in a manner that will not permit the transmission of disease create a nuisance or a fire hazard or provide harborage for insects rodents or other pests.
- 9) An adequate number of covered, durable water-tight insect/rodent proof garbage and refuse containers shall be provided for use.
- 10) Garbage and refuse containers used to discard diapering supplies food products or disposable meal service supplies shall be cleaned daily with a germicidal solution unless plastic liners are used and disposed of daily.
- 11) Insect and rodent control shall be maintained:
- 2) All outside doors, operable windows and other openings shall be screened. Doors with operable self-closing devices do not have to be screened.
- 3) Chemicals for insect and rodent control shall not be applied in areas accessible to children when children are present in the facility.
- 4) The facility shall be cleaned daily and kept in a sanitary condition at all times.



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- 1) The facility shall provide necessary cleaning and maintenance equipment.
- 2) Toys, table tops, furniture and other similar equipment used by children shall be washed when they become soiled or contaminated with matter such as food, body secretions or excrement.
- 3) Cleaning equipment, cleaning agents, aerosol cans, and other hazardous chemical substances shall be stored in a space designated solely for this purpose and shall be inaccessible to children.
- 4) Exit areas shall be kept clear of equipment and debris at all times.
- 5) There shall be no smoking in food preparation areas or in child care areas when children are present.
- 6) Major cleaning shall not be done while children are present.
- 7) Water tables and toys used in water tables shall be emptied daily and cleaned with a mild germicide solution before being air-dried.
- 8) Facilities shall provide a separate crib, bed, or cot and individual sheets and other bedding.
- 9) Cots, cribs or beds used by children in a day care facility may be used for other children at night if separate sets of clean sheets and other bedding are provided to each user.
- 10) Clean sheets and blankets shall be provided at least once a week or as frequently as needed when wet or soiled.
- 11) Waterproof mattress covers or undersheets for cribs, beds or cots shall be provided for all children who are in them.
- 12) Each cot, bed or crib shall be identified with the name of the child.
- 13) Facilities shall be tightly fitting and washable.
- 14) Facilities and equipment shall be kept in safe repair so as not to expose children to hazardous situations.
- 15) Any interior or exterior painted surface including walls, floors, ceilings, equipment, toys, furnishings, and cribs shall be maintained in good order free of lead paint.
- 16) Electrical outlets within the reach of children up to age 5 shall be covered or be otherwise shockproof.
- 17) Furnishings and equipment shall be durable, safe and scaled to the size of the children.
- 18) Child size chairs shall be provided for preschool children.
- 19) Tables shall be of appropriate height and of a size to accommodate comfortably a small group of not more than 6 to 10 children.
- 20) Individual lockers, cubbies or separate hooks and shelves shall be provided for the children's personal belongings.
- 21) Low, open shelves for play materials and books shall be provided and within easy reach of the children.
- 22) Storage for surplus toys and supplies not currently in use shall

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- be provided.
- 6) A cot must be provided for each preschool age child in an all-day program--floor pillows, sofa, carpet, bean bag chairs or padded chairs shall be provided for school age children for lounging or resting.
- 7) A first aid kit and a chart or handbook of first aid instructions shall be available for staff use--The first aid kit shall consist of Band-Aids, sterile bandages, sterile compresses and adhesive tape, scissors, mild soap, magnifying glass with needles and tweezers for removing splinters.
- 8) There shall be means for communication for emergency purposes.
- 9) An operable telephone shall be on the premises easily accessible for use in an emergency and other communications.
- 10) A list of emergency telephone numbers such as the fire department, police department and emergency medical treatment shall be posted next to the telephone.
- 11) Facilities operating on two or more floors shall have intercom service or other means of formal communications between floors.
- (Source: Repealed at 22 Ill. Reg. 1.100, effective JAN 01 1980)
- Section 407.32 Records and Reports (Repealed)
- 8) A facility shall maintain a record file on the children enrolled.
- 1) A written application for admission of each child shall be on file with the signature of the parent or guardian.
- 2) An alphabetic card or register on each child shall be maintained and shall include:
- 1) Name, date of birth and sex.
  - 2) Name, date of admission and discharge.
  - 3) Scheduled day of attendance.
  - 4) Names of parent(s) or guardian(s).
  - 5) Home address and telephone numbers, mailing status, and the working hours of the parent(s) or guardian(s).
  - 6) Name, address and telephone number of child's physician (or if applicable, of certified Christian Science Practitioner).
  - 7) Name(s) address(es) and telephone numbers of others authorized to pick up the child, and
  - 8) Name(s) address(es) and telephone numbers of others to contact within the immediate area if parents or guardian cannot be contacted in case of emergency.
  - 9) Information regarding the child's personal development habits, medical needs and other information critical to the child's well being.
- 3) Accidents or illnesses which have occurred to the child at the facility shall be recorded in the file--When a child is not permitted to attend the facility because of an accident or

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- illness--the date of--readmission--to--the facility--shall be recorded;
- 4) All required health and medical reports as required by Section 407.29;
- 5) Written agreements and consents as required by Section 407.10a shall be in the child's record file;
- 6) A statement signed by the parent(s) or guardian indicating receipt of a summary of licensing standards and other materials as required by Section 407.0(d) shall be in the child's record file;
- 7) A facility shall maintain accurate daily attendance records on all children enrolled--if a child attends on a part time or irregular basis--this shall be recorded in the attendance record;
- 8) Records shall be maintained on all employees and shall contain all pertinent information relative to--character--suitability--and qualification--for the position; health--three character references verified by the day care center; history of employment--for the previous five years--date of employment by the day care center; and if applicable date and reason(s) for separation from the day care center;
- 9) When a day care center shall maintain a separate file of responses to the background inquiry required by Section 407.37 and 09-1111 Adm--Code 359; Background inquiry for purchase of State-Provided--Child Care--Records of student helpers shall include name--home address--telephone number--and a copy of the last medical exam from the school--in addition--the record maintained by the center shall include the name of the school--name and telephone number of the facility member responsible for each student--the course in which the student is enrolled--and who at the facility is responsible for supervising the student;
- 10) The day care center shall maintain financial and other business records essential to the operation of the facility;
- 11) The facility shall maintain and submit when requested by the Department accurate information and statistics on children enrolled in the facility;
- 12) The day care center shall enter in the child's record and orally report immediately to the child's parent/guardian and the Department any serious occurrences involving children--Oral reports shall be confirmed in writing within two working days of the occurrence--if the center is unable to contact the parent/guardian or Department immediately it shall document this fact in the child's record--these occurrences include serious accident or injury requiring extensive medical care or hospitalization--death--arrest--alleged abuse or neglect--major fire or other emergency situations;
- 13) The Department shall be notified within seven days in writing if notice is received of legal action against the facility;
- 14) Evidence of child abuse or neglect shall be reported immediately in accordance with the Abused and Neglected Child Reporting Act--(Ill.

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- Rev. Stat. 1903 ch. 23, pars. 2051 et seq. 1
- 1) The facility shall maintain and submit reports on staff and volunteers to the Department on forms provided by the Department;
- 2) An individual report on each new employee--including owner operator or directors--shall be filed with the Department--a copy of this report shall be kept at the facility;
- 3) All staff changes shall be reported to the Department immediately;
- 4) Copies of documentation of medical information verification of educational achievement and character references of employees shall be provided upon request by the Department;
- 5) The facility shall promptly report any known or suspected case or carrier of communicable disease to local health authorities and shall comply with the Illinois Department of Public Health's Rules and Regulations for the Control of Communicable Diseases (1977);
- 6) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization which specifies the statutory authority or administrative rule under which persons who are granted access to records and reports--All persons who have access to the records and reports shall respect their confidential nature;

(Source: Repealed at 22 Ill. Reg. 1706, effective JAN 01 1998)

## Section 407.33 Confidentiality of Records and Information (Repealed)

- 1) The facility personnel shall respect the confidential nature of the child and personnel records;
- 2) Information pertaining to the admission progress health or discharge of an individual child shall be confidential and limited to facility staff designated by the Child Care Director and Department representatives unless the parent(s) of the child has granted written permission for disclosure or dissemination;
- 3) The facility shall have confidentiality release forms signed by the parent(s) which specify to whom information may be released and how long the release form is valid--Such release forms shall be on file at the facility prior to the release of confidential information;
- 4) If information is requested by outside persons or agencies--a specific written request signed by the person requesting the information shall be obtained and placed on file at the facility prior to the release of the information;
- 5) Except in extreme emergency or when there is evidence of child abuse or neglect--any child 12 years of age or older must be informed of such disclosure of information;

(Source: Repealed at 22 Ill. Reg. 1706, effective JAN 01 1998)

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## Section 407.34 Records Retention (Repealed)

- a) Personnel general and financial records required of the day-care center shall be maintained for five years after the child has been discharged from care or services;
- b) The provisions of this Section notwithstanding, records required by this Part shall be maintained until all audits have been completed and no litigation is pending or anticipated.

(Source: Repealed at 22 Ill. Reg. 1728, effective JAN 01 1998)

## Section 407.35 Severability of This Part (Renumbered)

if a court of competent jurisdiction finds that any rule, clause, phrase or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Renumbered to 407.400 at 22 Ill. Reg. 1728, effective JAN 01 1998)

## SUBPART A: INTRODUCTION, DEFINITIONS, AND APPLICABILITY

## Section 407.40 Purpose and Applicability

- a) The purpose of this Part is to prescribe the minimum standards for licensure as a day care center and to describe how to apply for a license. This Part also establishes the conditions for the daily operation of day care centers and the requirements for the Child Care Act of 1969 excludes some facilities from the requirement to be licensed. These exclusions from the licensing requirement may be found in Section 2.09 of the Child Care Act of 1969 (225 ILCS 10/2.09) and are explained in Department rules 99 Ill. Adm. Code 377. Facilities and programs exempt from licensure.

- b) The licensing standards set forth in this Part are applicable to day care centers as defined in the Child Care Act of 1969 that are also known as child care centers.

- c) Individuals, corporations, associations and groups may write to the Department of Children and Family Services and request a declaratory ruling with regard to the applicability of this Part to their circumstances when the requestor has requested an interpretation from the local licensing authority, but has been unable to obtain such an interpretation or is not satisfied with the response obtained.

- d) Such requests for declaratory rulings shall be addressed to the

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Department of Children and Family Services, Office of Rules and Procedures, 406 E. Monroe Street, Station # 65, Springfield, Illinois 62701, shall fully outline the facts of their inquiry, shall provide names and addresses of any Department staff who have been involved in evaluating the applicability of this Part to their circumstances, and shall include a copy of any written interpretations or directions received from the local licensing authority.

- e) The Department may provide declaratory rulings upon receipt of the initial request or may ask the inquirer to provide additional information within 15 days before a declaratory ruling is issued. Failure to provide the additional requested information within the 15-day period will terminate the request for a declaratory ruling.

- f) A declaratory ruling regarding the applicability of this Part upon the inquiry will be issued in writing within 60 days after receipt of a complete inquiry which fully states the question and accurately outlines the facts of the inquiry.

- g) A request for a declaratory ruling shall not delay the implementation of any licensing enforcement action including but not limited to corrective plans, refusal to renew, revocation or other enforcement activities.

- h) Declaratory rulings shall not be appealable. (Section 5-150(a) of the Illinois Administrative Procedure Act (5 ILCS 100/5-150(a)))

- i) The Department shall maintain as a public record in its principal office and make available for public inspection and copying any such declaratory rulings. The Department shall delete trade secrets or other confidential information from the ruling before making it available to the public. (See Section 5 of the Freedom of Information Act (5 ILCS 140/51))

(Source: Added at 22 Ill. Reg. 1728, effective JAN 01 1998)

## Section 407.45 Definitions

"Accredited college or university" means a college or university that has been accredited by a regional or national institutional accrediting association recognized by the U.S. Department of Education or a non-governmental recognition counterpart.

"Age-appropriate safety restraint" for a child under four years of age means a child restraint system (infant carrier, infant/toddler seat, or convertible safety seat) that meets the standards of the United States Department of Transportation designed to restrain seat or position children. For a child four years of age or older, an age-appropriate safety restraint means a child restraint system or seat belt (lap belt or lap-shoulder belt combination).

"Attendance" means the total number of children present at any one



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time.

"Authorized representative of the Department" means a licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

- = a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- = a check of the Child Abuse and Neglect Tracking System (CANTS) and other states' child protection systems as appropriate, to determine whether an individual has been alleged or indicated as a perpetrator of child abuse or neglect; and
- = a check of the Statewide Child Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Department.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. (Section 2.05 of the Child Care Act of 1969 [225 ILCS 10/2.05])

"Child care staff" means all staff members providing direct care to children.

"Consultant" means a person providing technical assistance or advice regarding any aspect of the program operation.

"Cot" means a comfortable, safe and child-sized alternative bed made of resilient, sanitizable fabric that is on wheels or otherwise above the floor and can be stored to allow for air flow.

"Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for more than 8

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children in a family home or more than 3 children in a facility other than a family home, including senior citizen buildings. The term does not include:

- = programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning which serve children who shall have attained the age of 3 years;
- = programs of that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education;
- = educational programs or programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by a recognized national or multi-state educational organization or association which regularly recognizes or accredits schools;
- = programs which exclusively serve or that portion of the program which serves handicapped children who shall have attained the age of 3 years but are less than 21 years of age and which are registered and approved as meeting standards of the State Board of Education and applicable fire marshal standards;
- = facilities operated in connection with a shopping center or service, religious services or other similar facility where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available;
- = any type of day care center that is conducted on federal government premises;
- = social activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations;
- = part day child care facilities as defined in Section 2.10 of the Act; or
- = programs of that portion of the program which:
  - serves children who shall have attained the age of 3 years,
  - is operated by churches or religious institutions as

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described in Section 501(c)(3) of the Federal Internal Revenue Code.

- = receives no governmental aid.
- = is operated as a component of religious, non-profit elementary school.
- = operates primarily to provide religious education, and
- = meets appropriate State or local health and fire safety standards.

For purposes of this Section, "children who shall have attained the age of 3 years" shall mean children who are 3 years of age, but less than 4 years of age, at the time of enrollment in the program.  
(Section 2.09 of the Child Care Act of 1969 [225 ICS 10/2.09])

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969 [225 ICS 10/2.02])

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of 1/4 cup household liquid chlorine bleach added to one gallon of tap water and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects.

"Early childhood" means the years from birth through age six.

"Early childhood assistant" means a staff member who works under the direct supervision of an early childhood teacher and does not assume responsibility for a group of children.

"Early childhood teacher" means a staff member responsible for a group of infants, toddlers or preschool children.

"Employee", as used in this Part, means any staff person employed by a child care facility and includes any substitute or assistant. This definition includes administrative, professional and support staff who have access to children in their present or prospective employment.

"Enrollment" means the total number of children served by the facility on either a part-time or full-time basis.

"Governing body", as used in this Part, means the board of directors of a corporation. Otherwise, the term means the owner(s) or other

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person(s), agency, association or organization legally responsible for the operation of the day care center that serves as the policy-making authority and that exercises general direction over the affairs of the facility.

"Group" means a specific number of children who remain together at least 60 percent of the time they are at the facility.

"Guardian" means the guardian of the person of a minor. (Section 2.03 of the Child Care Act of 1969 [225 ICS 10/2.03])

"Guidance/discipline" means the ongoing process of helping children to develop inner controls so that they can manage their own behavior in socially approved ways.

"Infant" means a child from six weeks through 14 months of age.

"Initial background check" means fingerprints have been obtained, as verified by a receipt from the fingerprint vendor, and the individual has cleared a check of the Child Abuse and Neglect Tracking System (CANTS) and the Statewide Child Sex Offender Registry.

"Intergenerational activities" means activities that involve children and adults in shared activities that occur at least monthly on a regular basis.

"Kindergarten child" means a child currently enrolled in kindergarten who is eligible to attend first grade during the next school year.

"LRAPS" means the Law Enforcement Agency Data System.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License study", as used in this Part, means the review of an application for license, on-site visit(s), interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the maximum number of children permitted in the facility at any one time.

"Licensee" means an individual, agency, or organization who holds a license or permit issued by the Department of Children and Family Services.



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"Licensing representative" means the purposes of this Part, means Department staff authorized under the Child Care Act of 1969 to examine facilities for licensure.

"Parental involvement" means parental assistance with a child care program such as participation in field trips, parties, attendance on special days for special events, or parental support and cooperation in the classroom.

"Parent(s)" as used in this Part, means person(s) assuming legal responsibility for the care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit", as used in this Part, means a one-time only document issued by the Department of Children and Family Services for six-month period to allow the individual (i.e., agency, or institution) to operate a day care center and to become eligible for a full license.

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Preschooler" means a child from three through five years of age. Children enrolled in kindergarten may be considered either preschool or school-age. Children two years of age may be considered preschoolers or toddlers, depending on their level of development.

"Program" means all activities provided for the children during their hours of attendance in the facility.

"Related services" refers to, but is not limited to, supportive services (psychological, medical, social, or health) for children in a facility.

"Replace or supplement staff" means a paid or unpaid individual who performs essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children outside the visual or auditory supervision of child care staff. It also includes professional contractual staff, such as physicians, nurses, therapists, etc., if the professional provides services within the facility and is allowed access to children outside the visual or auditory supervision of staff.

"Resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators and other technical and professional persons whose expertise is utilized in providing specialized services to children.

"Resources" may include related services mentioned above and community

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agencies such as, but not limited to, libraries, university laboratories and their professional staffs, audiovisual materials, museums, and parks.

"Risk management plan" means a document that outlines the process for identifying and analyzing loss exposures, examining alternative risk control methods, and making and carrying out decisions that will minimize the adverse effects of accidental losses.

"School-age" means a child up to 18 years of age who is enrolled in first grade or higher. Children enrolled in kindergarten may be considered either preschool or school-age.

"School-age assistant" means a staff member who works under the direct supervision of a school-age worker.

"School-age director" means a person designated by the governing body to assume full administrative responsibility for the ongoing operation of one or more sites (not to exceed six) and who meets the qualifications for a child care director as outlined in Section 407.130.

"School-age site coordinator" means a person responsible for implementing curriculum and ensuring that licensing standards are met at the site of a school-age program serving a maximum of 50 children and that is overseen by a school-age director responsible for multiple sites.

"School-age worker" means a staff member who has lead responsibility for a group of school-age children.

"Site" means the physical location in which a day care center operates. A site may consist of more than one building if all of the buildings within the site are connected by property under the exclusive control of the day care center that is used as a playground, for parking, or for other day care related purposes.

"Support staff" means any staff member providing indirect care and services to children in a day care center, such as a driver, cook, janitor, or clerical staff.

"Swimming pool" for purposes of this Part, means any natural or artificial basin of water intended for public swimming or recreational bathing which exceeds two feet six inches (2'6") in depth as specified in the Illinois Swimming Pool and Bathing Beach Act and Code. The term includes bathing beaches and pools at private clubs, health clubs, or private residences when used for children enrolled in a child care facility.

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"toddler" means a child from 15 months to two years of age. The term may include a child up to 30 months of age depending upon physical or social development.

"Universal precautions" means an approach to infection control. According to the concept of Universal Precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"wading pool" for purposes of this Part, means any natural or artificial basin of water less than two feet six inches (2'6") in depth which is intended for recreational bathing, water play or similar activity as specified in the Illinois Swimming Pool and Bathing Beach Act and Code. The term includes recessed areas less than two feet six inches in depth in swimming pools and includes wading pools at private clubs, health clubs and private residences when used for children enrolled in a child care facility.

(Source: Added at 22 Ill. Reg. 1728, effective JAN 01 1988)

## SUBPART B: PERMITS AND LICENSES

## Section 407.50 Application for License

a) The application for license shall be completed by the officers of the governing body of the day care center, or its authorized representative, on forms prescribed and furnished by the Department.

b) Only complete applications shall be processed. Incomplete or unsigned applications shall be returned for completion and signature. For the application to be considered complete, the following shall be attached to the application form:

- 1) Articles of incorporation and by-laws, if incorporated, indicating that the center's corporate status is in good standing with the Illinois Secretary of State;
- 2) Statement of purpose(s) and policies as required by Section 407.250(c);
- 3) List of officers, board members and committees of the governing body;
- 4) Annual operating budget showing anticipated expenses and income required in original application, only;
- 5) Staffing plan which includes job descriptions and the qualifications of the staff;
- 6) Written policies on discipline as required by Section 407.290(b); and
- 7) A list of persons subject to the background check requirements of 89 Ill. Adm. Code 385, Background Checks, and each person's complete, signed authorization to conduct the background check.

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c) Upon receipt of a complete, signed application for a license, the Department shall conduct a license study in order to determine that the day care center meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The applicant shall receive a copy of the license study upon written request and payment of copying costs.

d) A new application shall be filed:

- 1) When an application for license has been withdrawn, and the center seeks to reapply;
- 2) When there is a change of address of the day care center; and
- 3) When there is a change of name, ownership or corporate status of the center.

e) If the Department has revoked or refused to renew the license of a day care center, and the former licensee or one third or more of the members of its governing body seek to reapply for license, it may do so if, at least 12 months have passed since the effective date of the revocation or refusal to renew. If a new license is granted, the Department shall impose provisions on the new licensee or applicant for two years, notwithstanding any other provisions of this Part. The denial or a reapplication for a license pursuant to this subsection must be supported by evidence that the applicant or this subject is not eligible for a license by failing to satisfy the standards and sufficient unqualified or the Department pursuant to this Act, or refusal to comply with the facility which adheres to such standards and rules. [225 ILCS 10/6(c)]

f) The Department must approve that the facility is in reasonable compliance with the licensing standards before the day care center changes its operations regarding the number or ages of children served.

(Source: Added at 22 Ill. Reg. 1728, effective JAN 01 1988)

## Section 407.55 Application for Renewal of License

a) Application forms for license renewal shall be mailed to the day care center by the Department six months prior to the expiration date of the license.

b) The application for the renewal of a day care center license must be completed, signed by the governing body or its authorized representative, and submitted to the Department three months prior to the expiration date of the current license in order for the application to be considered complete. In addition, revisions in accordance with Section 407.50(b) which have not been submitted previously to the Department shall accompany the application for the renewal of license.

c) When a licensed day care center seeks to change its name, address,

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corporate status or ownership, a new application reflecting the revised status must be completed, signed by the governing body or its authorized representative, and submitted to the Department 30 days prior to the effective date of the change(s) in order for the application to be considered timely and sufficient. In addition, a change of name, corporate status or ownership shall be documented by the filing of a copy of the amended articles of incorporation or ownership agreement with the Department within 30 days after its effective date.

d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court.* (Section 10-65(b) of the Illinois Administrative Procedure Act [5 ICS 100/10-65(b)])

e) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the day care center continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensee shall receive a copy of the license study upon written request and payment of copying costs.

(Source: Added at 22 Ill. Reg. 1721, effective JAN 1 1998)

## Section 407.60 Provisions Pertaining to the License

a) A day care center license is valid for three years unless revoked by the Department or voluntarily surrendered by the licensee.

b) The license shall not be transferred or transmitted to another person or other legal entity.

c) The license shall not be valid for a name or address other than the name or address shown on the license.

d) The current license shall be displayed at the facility at all times.

e) There shall be no fee or charge for the license.

f) The number of children specified on the license shall be the maximum in attendance at the center at any one time.

g) The facility shall operate within the license capacity, ages of children served, and areas used for child care as specified on the license document and shall otherwise adhere to the provisions of the license.

h) Unless a day care center is in compliance with the standards prescribed by this Part, it shall not expand its services or increase its licensed capacity. The day care center shall not operate (serve children) until the day care center has received a permit or license.

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(Source: Added at 22 Ill. Reg. 1721, effective JAN 1 1998)

## Section 407.65 Provisions Pertaining to Permits

a) A permit shall not be issued prior to the following:

- 1) Completion of the application for license and submission to the Department;
- 2) Employment of a child care director who has passed the background check requirements of 89 Ill. Adm. Code 385, Background Checks, who meets the standards set forth in Section 407.130 and who has submitted three references and proof of education;
- 3) Employment of staff who meet the requirement for first-aid, Heimlich maneuver, and cardiopulmonary resuscitation (CPR) found in Section 407.100(h), with the food service sanitation requirements, and the development of a projected staffing plan indicating the timetable by which additional qualified staff shall be hired;
- 4) Receipt of fire and sanitation clearances required by Section 407.270(g), documented by a letter or certificate issued by the agency which conducted the inspection;
- 5) Section 407.201(c) public liability insurance as required by Section 407.201(c) and of insurance policy binder;
- 6) The development of a plan for emergency medical care as required by Section 407.250(c)(9);
- 7) The development of a plan for meeting the nutrition and food service requirements of Section 407.330;
- 8) Acquisition of furnishings and equipment for the number and ages of children to be served during the six-month permit period in accordance with Appendices A, B, and C;
- 9) Records are on file at the day care center for each employed staff member during the permit period, including a current medical report (not more than six months old), three written character references, documentation of educational qualifications (if required for the position) and proof that the employee has cleared the initial background check;
- 10) Procedures and forms have been created as required in Section 407.70 for records and reports required;
- 11) A written plan which indicates how requirements for a license shall be met within the permit period has been submitted to the licensing authority;
- 12) Financial capability has been demonstrated through an annual projected budget showing anticipated operating expenses and income;
- 13) A written program description and daily program schedule have been developed;
- 14) A drawing has been completed of the center's floor plan, with



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measurements indicated for each area used for children and of all outdoor areas that are used for children.

15) A risk management plan has been developed as required by Section 407.70(4) and

16) A statement of the day care center's discipline policy.

b) A permit shall not be issued retroactively.

c) The permit shall not be renewable.

d) The permit shall not be transferred or transmitted to another person or other legal entity.

e) The permit shall be valid for a name or address different from the name or address shown on the issued permit.

f) A new permit shall be issued at the center at all times.

g) The number of children specified in the permit shall be the maximum in attendance at the center at one time.

h) The day care center shall not begin operations until the day care center receives a permit.

i) A license shall be issued anytime within the six-month period covered by the permit provided the facility achieves compliance with the standards prescribed by this Part.

j) There shall be no fee or charge for the permit.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## SUBPART C: ADMINISTRATION

## Section 407.70 Organization and Administration

a) The members of the governing body of the day care center shall be legally responsible to the Department for maintaining the standards set forth in this Part. The members of the governing body shall be of reputable and responsible character. The governing body may delegate responsibility for day-to-day compliance with the standards to the day care center director.

b) The governing body shall file with the Department written policies outlining any delegation of responsibility for compliance with this Part and lines of communication among the governing body, facility staff and parents. This statement shall be signed by the governing body and the day care center director with updates as changes occur.

c) The governing body or others designated in writing to represent the center shall be responsible for the immediate removal of any conditions affecting any area of operation regulated by 89 Ill. Adm. Code, such as governance, location, physical plant, finances, staff, equipment or a fire or natural disaster that affects the ability of the day care center to continue to operate.

d) The Department shall be notified in writing within seven days after any notice of legal action against the center that may negatively affect its operation and/or ability to maintain licensing standards.

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e) As a part of new staff orientation, the child care director and all staff shall review the following documents and the date of their review shall be recorded in the personnel files:

1) the Child Care Act of 1969 (225 ILCS 101);

2) the Abused and Neglected Child Reporting Act (325 ILCS 5); and

3) the portions of 89 Ill. Adm. Code 407, Licensing Standards for Day Care Centers, that affect their functions and responsibilities.

f) A complete and current set of licensing standards shall be available at all times in an area that is accessible to all employees.

g) The governing body shall insure that an adequate process is in place for recruiting, hiring, and maintaining staff as required by this Part.

h) A day care center shall have written personnel policies available to the staff at all times. These policies shall include, but are not limited to, job descriptions, compensation and benefits, pay rates, Social Security, workers' compensation, unemployment insurance, holidays, sick leave, vacations, probationary periods, grievance procedures, performance evaluation, discipline, termination, and employment and performance standards.

i) Each child's record shall contain a statement signed by the child's parents or guardian indicating that he/she has received a summary of licensing standards and other materials designated by the Department for such distribution.

j) Suspected child abuse or neglect shall be reported immediately to the Child Abuse/Neglect Hotline as required by the Abused and Neglected Child Reporting Act. The telephone number for the reporting hotline is 1-800-252-2873.

k) The center shall develop a written risk management plan that identifies potential operational risks, specifies ways to reduce or eliminate the risks and establishes procedures to be followed in an emergency or crisis. This risk management plan shall specifically address at least the following:

1) training, including universal precautions, provided to staff to identify and minimize risks, particularly as it relates to the care and supervision of children;

2) the design and maintenance of the building and any vehicles used in day care;

3) maintenance and storage of food service and maintenance equipment, chemicals, and supplies;

4) selection, maintenance, and supervision of education materials, toys, pets, and playground equipment;

5) food service sanitation;

6) cleanliness of the building and grounds; and

7) emergency and disaster preparedness plans, including fire evacuation plans.

l) The day care center shall carry public liability insurance in the single limit minimum amount of \$300,000 per occurrence.

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- m) Any accident or injury requiring professional medical care, death or other emergency involving a child shall be entered into the child's record and orally reported immediately to the child's parent or guardian and to the appropriate local licensing office of the Department. If the center is unable to contact the parent or guardian and the Department immediately, it shall document this fact in the child's record. Oral reports to the Department shall be confirmed in writing within two business days after the occurrence.

- n) The day care center shall maintain records essential for the operation of the facility. Records pertaining to children in care and to staff shall be maintained at the day care center.

- 1) Financial records shall be maintained in Illinois and produced immediately upon request for licensing review.

- A) The day care center shall maintain financial records including projected and current operating budget.

- B) The day care center shall maintain financial solvency to assure adequate care of children and compliance with the standards prescribed in this Part. A center is considered insolvent if the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors and property that may be exempted from property of the estate. (This definition is adapted from the U.S. Bankruptcy Code of 1978, 11 U.S.C. 101.)

- 2) Required general and financial records shall be maintained for five years. Required personnel records shall be maintained for five years after the date of the employee's termination of employment. Children's records shall be maintained for five years after the child has been discharged from care or services.

- 3) Accurate daily attendance records, by group, shall be maintained for one year. If a child attends on a part-time or irregular basis, this shall be recorded in the attendance records.

- 4) The provisions of this Section notwithstanding, records required by this Part shall be maintained until all audits have been completed and no litigation is pending or reasonably anticipated.

- o) Authorized representatives of the Department shall be admitted to the records and the books of operation for the purpose of determining compliance with the Child Care Act of 1959 and standards set forth in this Part.

(Source: Added at 22 Ill. Reg. 1788, effective JAN 01 1998)

## Section 407.80 Confidentiality of Records and Information

- a) The facility personnel shall respect the confidential nature of the child and personnel records.

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- b) Information pertaining to the admission, progress, health, or discharge of an individual child shall be confidential and limited to facility staff designated by the child care director and Department representatives unless the parents or the child has granted written permission for disclosure.

- 1) The facility shall have confidential release forms signed by the parent(s) which specify what information may be released and the length of time the release forms are valid. Such release forms shall be on file at the facility prior to the release of confidential information.

- 2) If information is requested by outside persons or agencies, a specific written request signed by the person requesting the information shall be obtained and placed on file at the facility prior to the release of the information.

- 3) Except in extreme emergency or when there is evidence of child abuse or neglect, any child 12 years of age or older must be informed of such disclosure of information.

- c) Authorized Department licensing representatives, Department child protection investigators, or other Department representatives who have the Department Director's written authorization (specifying the statutory authority or administrative rule under which access is granted) shall have access to the day care center's records and reports. All persons with access to records and reports shall respect their confidential nature.

(Source: JAN 01 1998, 22 Ill. Reg. 1788, effective JAN 01 1998)

## SUBPART D: STAFFING

## Section 407.90 Staffing Structure

- a) The day care center shall provide staff to ensure the care and safety of the children at all times.

- 1) A written staffing plan shall organize the staff and enable them to give the children continuity of care and supervision.

- 2) Each staff person shall be qualified for his or her position, as required by this Part, at the time he or she is hired or promoted.

- 3) Sufficient child care staff shall be provided to assure that staff/child ratios are maintained as required by Section 407.190. Staff changes shall be minimized so that each child can experience consistent relationships with as few adults as possible.

- 4) Vacancies in the position of director or school-age director shall be filled to the extent possible prior to the next business day after the change. All other staff employment changes shall be reported to the Department each month on forms prescribed by the





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- c) Child care staff shall be willing to participate in activities leading to professional growth in child development and education, and in training related to the specific needs of the children served.
- 1) The director and each child care staff member shall participate in 15 clock hours of in-service training per year. For the first year of employment, topics which must be included in the training are staff requirements to recognize and report suspected child abuse or neglect, how to make a child abuse or neglect report, rules governing the operation of the facility, and the legal protection afforded to persons who report violations of licensing standards. Subsequent in-service training may include, but not be limited to, child development, symptoms of common childhood illnesses, hygiene, guidance and discipline, and communication with parents.
- 2) A record of in-service training shall be maintained at the site.
- 3) The required in-service training hours may consist of on-site training; documented attendance at seminars, workshops, conferences and early childhood classes; and documented self-study programs that have been approved by the day care director. Staff meetings may be counted only if a planned topic for children was presented.
- 4) Staff serving children who require special program services shall receive in-service training and/or consultation on issues related to those specific needs.
- d) Newly employed staff shall submit a report of a physical examination completed no more than six months prior to employment which provides evidence that they are free of communicable disease, including active tuberculosis, and physical or mental conditions that could affect their ability to perform assigned duties. This examination shall include a test for tuberculosis by the Mantoux method.
- e) Cooks, kitchen helpers and others assisting in the preparation, serving and handling of food and cooking/serving utensils shall make their positions known to the examining physician, and shall comply with the current rules and regulations of the Illinois Department of Public Health pertaining to Food Service Sanitation (77 Ill. Adm. Code 750).
- f) Staff shall have physical re-examinations every two years and whenever communicable disease or illness is suspected.
- g) A staff member experiencing fever, sore throat, vomiting or diarrhea shall not be responsible for food handling or the care of children.
- h) The center shall have on duty at all times at least one staff member who has successfully completed training and is currently certified in first aid, cardiopulmonary resuscitation (CPR) and the Heimlich maneuver, and for centers serving infants, first aid for choking infants in accordance with the approved method specified in the Department of Public Health's rules 77 Ill. Adm. Code 520. The Treatment of Choking Victims. CPR certification must be specific for all age groups served, i.e., infant (birth to 12 months), child (one

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- to eight years) and adult (eight years and older).
- 1) Any center that serves food shall have posted in a conspicuous location visible to employees the Choke Saving Methods Poster available from the Illinois Department of Public Health.
- (Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 01 1998)

## Section 407.110 Background Checks for Personnel

The day care center shall require all persons subject to background checks, as defined in 89 Ill. Adm. Code 385.20, to furnish written information regarding any criminal convictions, to submit to fingerprinting and to authorize the background checks required by 89 Ill. Adm. Code 385, Background Checks.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 01 1998)

## Section 407.120 Personnel Records

- a) A confidential file shall be maintained on each staff person and contain at least the following information:
- 1) A copy of a form prescribed by the Department which contains information on persons employed in the day care center;
  - 2) A record of current medical examination on a form prescribed by the Department;
  - 3) Three written character references, verified by the day care center;
  - 4) Proof of educational achievement as required for the individual's position. Foreign credentials require additional documentation providing a statement of the equivalency in the U.S. educational system;
  - 5) Verification of previous experience, when such experience is considered as part of the individual's qualifications for his or her position; and
  - 6) A signed statement that acknowledges the employee's status as a mandated reporter of suspected child abuse and neglect.
- b) Authorizations for and results of the background check required by 89 Ill. Adm. Code 385, Background Checks, shall be maintained in a separate and confidential file.
- c) The Department shall be notified by the next business day when there is a change of director or school-age director. Other staff changes, including a change in an employee's position status within the center, shall be reported to the Department monthly in a form prescribed by the Department. Name changes shall be documented in the personnel file.
- d) For any individual who serves as a child care facility driver, a driver application shall be submitted to the Department with a copy

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of the current medical report that was completed not more than 60 days prior to assuming duties as a child care director. If an individual holds a valid school bus driver permit and is currently employed by a school district or parochial school, a copy of the school bus driver permit may be substituted for the required medical examination.

The day care center shall maintain written documentation of the following:

- 1) That a person certified in food service sanitation is on site to manage the preparation and/or service of food, including the service of catered food. This requirement does not apply if the center serves no food, or serves only prepackaged prepared snacks. Refer to the Illinois Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750);
- 2) That in-service training is being provided as required for the child care director and each member of the child care staff; and
- 3) That an employee who has successfully completed training and is currently certified in first-aid, cardiopulmonary resuscitation (CPR) and the Heimlich maneuver is on site at all times. CPR certification shall be specific for all age groups served (infant, child and adult).
- 4) The day care center shall submit copies of the following to the Department for the child care director and any person designated to serve as alternate director:
  - 1) Proof of educational achievement, including course descriptions (if necessary); and
  - 2) Three written references.
- 5) The records required by this Section shall be maintained in a locked file at the day care center.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

44-01-1996

## Section 407.130 Qualifications for Child Care Director

a) Day care centers licensed for more than 50 children shall employ a full-time child care director to be on site in a non-teaching capacity. The director may be on site in a teaching capacity at the following times:

- 1) During the first hour and last hour of a program that operates ten or more hours per day; or
- 2) When attendance falls below 50 children.
- b) Day care centers licensed for 50 or fewer children, or half-day programs with children attending no more than three consecutive hours per day regardless of capacity, may employ a child care director who also serves as a member of the child care staff.
- 1) When the director serves in both capacities, he or she must meet the qualifications of both the director position and the teaching position.

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2) When the director attends to non-teaching responsibilities, his or her group must be supervised by a person qualified to be in charge of the group.

c) The child care director shall be at least 21 years of age.

d) The child care director shall have a high school diploma or equivalency certificate (GED).

e) In addition to meeting the requirements of Section 407.100, the child care director of a facility serving the same number of groups of pre-school and school age children or more groups of pre-school children than groups of school age children shall have achieved:

- 1) Sixty semester hours (or 90 quarter hours) of credit from an accredited college or university with 18 semester or 27 quarter hours in courses related directly to child care and/or child development from birth to age six; or
- 2) Two years (3120 clock hours) of child development experience in a nursery school, kindergarten, or licensed day care center, 30 semester hours (or 45 quarter hours) of college credits with ten semester or 15 quarter hours in courses related directly to child care and/or child development, and proof of enrollment in an accredited college or university until two years of college credit have been achieved. A total of 18 semester hours (or 27 quarter hours) in courses related directly to child care and/or child development is required to be obtained within the total two years of college credits or
- 3) Completion of the credentialing program approved in accordance with Appendix C of this regulation and a 14 semester or 21 quarter hours in courses related to child care and child development from birth to age six at an accredited college or university, and two years (3120 clock hours) child development experience in a nursery school, kindergarten or licensed day care center.
- f) In addition to meeting the requirements of Section 407.100, the child care director of a facility serving more groups of school-age children than groups of pre-school children shall have achieved:
  - 1) Sixty semester hours (or 90 quarter hours) of credit from an accredited college or university with 18 semester or 27 quarter hours in courses related to child care and/or child development, elementary education, physical education, recreation, counseling or other related fields, including courses related to school-age children; or
  - 2) Two years (3120 clock hours) of child development experience in a recreational program, kindergarten, or licensed day care center serving school-age children, or license exempt school-age child care program operated by a public or private school, 30 semester hours (or 45 quarter hours) of college credits with ten semester or 15 quarter hours in courses related directly to child care and/or child development, elementary education, physical education, recreation, counseling or other related fields, and proof of enrollment in an accredited college or university until two



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years of college credit have been achieved. A total of 18 semester hours (or 27 quarter hours) in courses related directly to child care and/or child development, elementary education, physical education, recreation, camping or other related fields, including courses related to school-age children, is required to be obtained within the total two years of college credits.

- g) Completion of a training program accredited by the American Montessori Society or Association Montessori International may be substituted for the courses directly related to child care and/or child development required by this Section. Persons holding a Montessori pre-primary credential may serve as director to children through age six. Persons holding a Montessori primary or elementary credential may serve as director to children six years of age or older.

- h) Persons who were deemed qualified to serve as a child care director prior to January 1, 1985, continue to be deemed qualified for their position.

- i) When a program serves only school-age children and meets the criteria of Section 407.90(G), qualifications for the school-age director responsible for multiple sites and the site coordinators shall be as follows:

- 1) The school-age director and each site coordinator shall be at least 21 years of age.

- 2) The school-age director shall meet both of the following requirements for education and experience:

- A) Sixty semester hours (or 90 quarter hours) of credit from an accredited college or university, with 18 semester hours (or 27 quarter hours) in courses related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields, and

- B) At least 1560 clock hours of child development experience in a recreational program or a licensed day care center serving school-age children.

- 3) The school-age site coordinators must meet one of the following qualifications:

- A) Thirty semester hours (or 45 quarter hours) of credit from an accredited college or university with 12 semester hours (or 18 quarter hours) related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields and 750 clock hours of experience in a recreational program or a licensed day care center serving school-age children or in a license exempt school-age child care program operated by a public or private school; or

- B) 1560 clock hours of experience in a recreational program or licensed day care center serving school-age children or a license exempt school-age child care program operated by a public or private school and either six semester hours (or nine quarter hours) of credit from an accredited college or

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university related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields.

- 1) A staff member who meets the qualifications for a day care center director shall be designated to assume decision-making responsibility whenever the child care director is off site. A record of employees who meet the qualifications for director and who have been designated to assume decision-making responsibility in the director's absence shall be kept at the site. The person designated as alternate director may be in the classroom and counted in the staff/child ratio under the following circumstances:

- 1) When the center meets the criteria of Section 407.130(b) above; or
- 2) During the first hour and last hour of a program that operates ten or more hours per day; or
- 3) When attendance falls below 50 children.

(Source: Added at 22 Ill. Reg. 1.1.1.1, effective  
JAN 01 1990)

## Section 407.140 Qualifications for Early Childhood Teachers and School-age Workers

- a) Early childhood teachers and group workers shall be at least 19 years of age.

- b) Early childhood teachers and school-age workers shall have a high school diploma or equivalency certificate (GED).

- c) In addition to meeting the requirements of Section 407.100, the early childhood teacher responsible for a group of children that includes infants, toddlers or preschool-age children shall have achieved:

- 1) Sixty semester hours (or 90 quarter hours) of credits from an accredited college or university with six semester or nine quarter hours in courses related directly to child care and/or child development, from birth to age six; or

- 2) One year (1560 clock hours) of child development experience in a nursery school, kindergarten, or licensed day care center and 30 semester hours (or 45 quarter hours) of credits from an accredited college or university with six semester or nine quarter hours in courses related directly to child care and/or child development, from birth to age six; or

- 3) Completion of credentialing programs approved by the Department in accordance with Appendix G of this Part.

- d) School-age workers shall be at least 19 years of age and at least five years older than the oldest child with whom they work.

- e) In addition to meeting the requirements of Section 407.100, the newly employed school-age worker responsible for a group of school-age children shall have achieved:

- 1) Thirty semester hours (or 45 quarter hours) of credit from an

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accredited college or university with six semester hours (or 9 quarter hours) related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields; or

2) 1560 clock hours of experience in a recreational program or licensed day care center serving school-age children or a license exempt school-age program operated by a public or private school, and six semester hours (or nine quarter hours) of credit from an accredited college or university related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields; or

3) A high school diploma or equivalency certificate plus 3120 clock hours of experience in a recreational program, kindergarten, or licensed day care center serving school-age children or a license exempt school-age child care program operated by a public or private school.

f) Completion of a training program accredited by the American Montessori Society or Association Montessori International may be substituted for the courses directly related to child care and/or child development required by this Section. Persons holding a Montessori pre-Primary credential may supervise children through age six. Persons holding a Montessori diploma or elementary credential may supervise children six years of age or older.

g) Persons who were deemed qualified as a child care worker or school-age worker prior to January 1, 1985, continue to be deemed qualified as an early childhood teacher and school-age workers shall be responsible for the planning and supervision of a group of children. Early childhood workers and school-age workers shall also be responsible for supervising persons assigned to assist their group who are not similarly qualified.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_ JAN 01 1993)

## Section 407.150 Qualifications for Early Childhood Assistants and School-Age Worker Assistants

a) Early childhood assistants shall meet the requirements of Section 407.100, with the exception of subsection (b).

b) Early childhood and school-age assistants shall have a high school diploma or equivalency certificate (GED).

c) Early childhood assistants shall work under the direct supervision of an early childhood teacher or school-age worker and shall not assume full responsibility for a group of children, except as allowed by Section 407.190(e)(12).

d) School-age assistants shall work under the direct supervision of a school-age worker and shall not assume full responsibility for a group of children.

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of children, except as allowed by Section 407.190(e)(12).

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_ JAN 01 1993)

## Section 407.160 Students and Youth Aides

a) Students and youth aides may assist in the care of children provided that the student and youth aide:

- 1) Are 14 years of age or older and at least five years older than the oldest child in the group;
- 2) Assist only under the direct supervision of an early childhood teacher or a school-age worker; and
- 3) Are not counted for purposes of maintaining staff/child ratios, except as provided in Section 407.160(d) below.

b) The day care center shall maintain records on each student or youth aide that include:

- 1) The full name, home address and home telephone number of the student or youth aide;
- 2) A copy of the current school medical examination form for the student or youth aide;
- 3) The name of the person at the day care center who is responsible for supervising the student or youth aide;
- 4) When a student is placed as part of a practicum or vocational training program or when a youth aide is placed as part of an agency leadership training program, the record shall also include:
  - A) The name of the school or agency arranging the placement;
  - B) The name, title and telephone number of the school or agency staff member responsible for the participation of the student or youth aide;

5) A plan for the participation of the student or youth aide shall be agreed upon in writing.

- A) The plan shall be signed by the participant, the supervising child care staff member and the school or agency staff member;
- B) The plan shall specify duties and hours and indicate the person and group to which the student or youth aide is assigned while in the center;
- 6) There shall be a written agreement regarding procedures for terminating an unsatisfactory student or youth aide;
- 7) Employment or use of student or youth aides shall be in compliance with the Illinois Child Labor Law (820 ILCS 205) and the child labor provisions of the Federal Fair Labor Standards Act (29 U.S.C. 214).
- 8) Students or youth aides may be counted as assistants for purposes of maintaining staff/child ratios when all of the following conditions are met:
  - 1) They have completed one year of a vocational child care training



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Program; and

- 2) they are 16 years of age or older and at least five years older than the child; and
- 3) they regularly work fewer than four hours per day, except during vacation periods when they may work up to six hours per day; and
- 4) The number of students or youth aides does not exceed one-third of the total staff required to meet the staff-child ratio requirements at any one time.

- e) Students or youth aides shall not be considered as part of the attendance count when determining compliance with the capacity requirements.

(Source: Added at 22 Ill. Reg. 17.00, effective JAN 01 1998)

## Section 407.170 Substitutes

- a) Substitutes shall have the same personal, health, administrative, and professional qualifications required of staff for whom they substitute, including completion of a background check as required by 89 Ill. Adm. Code 385.

- b) The day care center shall maintain signed documentation certifying that persons agreeing to be available as substitutes or for use in emergencies are currently available, have agreed to serve in this capacity and have passed the background check required by 89 Ill. Adm. Code 385, Background Checks.

- c) Substitutes shall visit the day care center to familiarize themselves with the program before they are called for duty.

(Source: Added at 22 Ill. Reg. 17.00, effective JAN 01 1998)

## Section 407.190 Volunteers

- a) Volunteers whose duties require contact with children on a regularly scheduled basis of one or more times per month shall meet the same personnel qualifications required of other staff by Section 407.100(a).
- b) Volunteers whose duties require contact with children or food one or more times per month shall present a health report as required for other staff.
- c) Volunteers used to replace or supplement staff, as defined in Section 407.45, shall comply with the background check requirements of 89 Ill. Adm. Code 385, Background Checks.
- d) Volunteers may serve in any capacity for which they are qualified.
- e) When a required staff position is filled by a volunteer, the volunteer shall meet all standards that apply to an employed person in that position.

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(Source: Added at 22 Ill. Reg. 17.00, effective JAN 01 1998)

## Section 407.190 Grouping and Staffing

- a) The group sizes and ratio of child care staff to children present at any one time shall be as follows:

AGE OF CHILDREN	STAFF/CHILD RATIO	MAXIMUM GROUP SIZE
Infants (6 weeks through 14 months)	1 to 4	12
Toddlers (15 through 23 months)	1 to 5	15
Two years	1 to 8	16
Three years	1 to 10	20
Four years	1 to 10	20
Five years (preschool)	1 to 20	20
School-age: Kindergarten	1 to 20	30
present		

- b) The following exception to this Section is permitted: An early childhood teacher aided by an early childhood assistant may supervise a group of up to 30 children if all of the children are at least five years of age.

- c) Whenever children of different ages are combined, as allowed by Section 407.190(d) below, the staff/child ratio and maximum group size shall be based on the age of the youngest child in the group.

- d) Children may be combined in any of the following ways:
- 1) Infants, toddlers and two-year-olds may be combined; and/or
  - 2) Two-year-olds through five-year-old preschool children may be mixed in any combination; and/or
  - 3) School-age kindergarten children may be mixed with five-year-old preschoolers; and/or
  - 4) Four year-olds through six year-olds may be mixed; and/or
  - 5) Children of all ages may be mixed during the first and last hours of operation that operate ten or more hours per day.
- Programs that combine children in any of the above ways shall have staff maintain accurate and daily schedules to meet the needs of all children in the program.
- e) With the exception of infants and toddlers, children may be under the direct supervision of staff in the same room of 50% of the qualified staff required by this Section during any times provided the qualified staff-to-child ratio is maintained on the premises.
- 1) Infants and toddlers shall be under the direct supervision of staff required by this Section at all times.

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- 2) When all of the children are two years of age or older, an early childhood assistant 18 years of age or older may provide direct supervision without the presence of an early childhood teacher for a maximum of one hour per day while the children are all on cots.

- 3) Children shall not be left unattended at any time.

- 4) When the needs of individual children dictate, additional staff may be added to meet the needs of all children. The appropriate ratio shall be determined through consultation among the parent, staff, resource personnel and the Department.

(Source: Added at 22 Ill. Reg. 17.02, effective JAN 01 1998)

## SUBPART E: PROGRAM REQUIREMENTS

## Section 407.200 Program Requirements for All Ages

- a) Each child shall be recognized as an individual whose gender, ability differences, personal privacy, choice of activities, cultural, ethnic, and religious background shall be respected.
- b) The staff of the day care center shall have a written plan for encouraging parents to visit the center to observe and participate in their children's experience. Parents shall be allowed to visit the center without an appointment any time during normal hours of operation.
- c) The program shall include opportunities for a child to have free choice of activities to play alone, if desired, or with one or several peers chosen by the child.
- d) The facility shall provide a basic program of activities geared to the age levels and developmental needs of the children served. The daily program shall be posted in the facility, and shall provide:
- 1) Regularity of such routines as eating, napping, and toileting with sufficient flexibility to respond to the needs of individual children;
  - 2) A balance of active and quiet activity;
  - 3) Both indoor and outdoor activities in which children make use of both small muscles. For pre-school programs in which individual children are cared for less than three hours per day, outdoor activities are not required;
  - 4) Occasional trips and activities away from the facility (frequency to be determined by the day care center);
  - 5) A supervised nap or rest period for children under six years of age who remain for five or more hours as required by Section 407.350.
- e) The daily program of the facility shall provide experiences which promote the individual child's growth and well-being and the development of self-help and communication skills, social competence.

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- and positive self-identity.

- f) Program planning shall provide the following:

- 1) A variety of activities which takes into consideration individual differences in interest, attention span, and physical and intellectual maturity;
- 2) Sufficient time for activities and routines, so that the children can manage them and progress at their own developmental rate;
- 3) Sufficient materials and equipment to avoid excessive competition and long waits;
- 4) Program planning so that the children are not always required to move from one activity to another as a total group. Staff-initiated large group activities shall not be the norm;
- 5) Smooth transitions from one activity to another to avoid long waiting periods between activities and prolonged periods during which the children must stand or sit; and
- 6) Provision for privacy through arranging a small, quiet area that is easily accessible to the child who seeks or needs time to be alone.

- g) The use of visual media, such as television, films and videotapes, shall be limited to developmentally appropriate programming, and an alternative activity shall be made available. Media may be used as a special event or to achieve a specific goal, but shall not be used as a regular daily routine.

- h) The program shall take into account the stress and fatigue that result from constant pressures and stimulation of long hours in a group living situation.

- i) Activity areas, equipment, and materials shall be arranged so that staff can be easily aware of the child's presence and activity at all times.

- j) Equipment shall be arranged in orderly, clearly defined areas of interest, with sufficient space in each area for the children to see various activities available to them.

- k) Programs involving intergenerational activities shall conduct those activities according to Section 407.230.

- l) Materials and equipment shall respect children's racial, cultural, ethnic, religious and gender identities, as well as age and ability. Each child shall have access to the full variety of age-appropriate equipment on a daily basis.

- m) When a specific plan is developed to meet a child's individual needs, the record shall include:

- 1) Assessments by center staff or resource personnel;
  - 2) Written program recommendations and goals for the child;
  - 3) A written plan for implementing those recommendations within the program;
  - 4) Periodic written evaluations of whether goals are being met;
  - 5) Adjustments to the program plan as indicated by the evaluations.
- o) Staff shall consult with parents before implementing any special

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Procedures required to meet a child's individual needs.

p) Children shall not be left unattended at any time.

q) Staff assignments shall be such that children experience comfortable, ongoing relationships with adults. Every attempt shall be made to establish a primary relationship between each child and one adult.

(Source: Added at 22 Ill. Reg. 1720, effective  
JAN 01 1998)

## Section 407.210 Special Requirements for Infants and Toddlers

a) A center receiving children within the infant and toddler age range shall comply with standards for all day care centers, except when inconsistent with the special requirements prescribed by this Section.

b) A center receiving infants and toddlers shall have a licensed physician, registered nurse, licensed practical nurse or licensed physician's assistant with training in infant care to instruct child care staff in the proper handling of infants and toddlers. The person shall visit the facility to observe the child care techniques of the staff and provide in-service training. Visits shall be at least weekly during the permit period and monthly thereafter.

c) A center for infants and toddlers shall have sufficient indoor and outdoor space and appropriate furniture and equipment to provide for support functions necessary to the program.

1) Separate space for infants and toddlers shall be available away from older children except in facilities enrolling ten or fewer children or in programs combining infants, toddlers, and two-year-olds.

2) The amount of space required for infants and toddlers shall be based on the sleeping and play area arrangements, as required by Section 407.370(d).

3) A sink or lavatory for the infant/toddler program shall be in the same room for the use of staff for hand washing and for use by the children. Programs that are licensed for infants and toddlers on January 1, 1998 shall come into compliance with this requirement by January 1, 2000.

4) A toilet for the infant/toddler program shall be easily accessible.

5) No extension cords shall be used in areas where children are permitted. All electrical cords not in use with supervision of an adult shall be unplugged and the outlets covered.

6) The means for warming bottles and food shall be accessible only to adults. Microwave ovens shall not be used for the purpose of warming bottles.

7) A refrigerator shall be available and easily accessible to the children's room.

d) Indoor and outdoor play materials and equipment suitable for staff to use with infants and toddlers to stimulate learning, growth, health,

and overall development shall be provided in accordance with the equipment requirements in Appendix A of this Part.

1) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to infants and toddlers.

2) Toys and indoor equipment shall be cleaned and disinfected daily.

e) Child care shall be given in a manner that meets the children's health and safety needs, as well as their nurturing requirements.

f) Food for infants shall be handled and served according to the provisions of Section 407.330 and this Section, as applicable.

1) Daily food requirements for children under one year of age shall be offered to the child as detailed in Appendix D, unless otherwise indicated in writing by a physician, in consultation with the parents.

2) Food for infants not consuming table food may be provided by either the day care center or the parent, according to the center's written policy.

3) Flexible feeding schedule of infants shall be established to coordinate with parents' schedules at home and to allow for nursing infants.

4) Infants not consuming table food shall be fed in consultation with the parents. Feeding times and amounts consumed shall be documented in writing and available for review by the parents.

5) Provided by the day care center, formula shall be diluted according to the manufacturer's instructions using water from a separate bottle by the local health department.

6) Formula shall be labeled as such in writing by the physician, in writing by the child's physician, unless otherwise indicated in writing by the child's formula is provided by the parent, it shall be labeled, dated and refrigerated upon arrival at the center.

7) If the child's formula is provided by the parent, it shall be labeled, dated and refrigerated upon arrival at the center.

8) Bottles of breast milk and opened containers of formula concentrate shall be dated. When there is more than one bottle-fed infant, all bottles shall be labeled with the child's name.

9) All filled bottles of milk or formula shall be refrigerated until immediately before feeding. Contents remaining in a bottle after a feeding shall be discarded after two hours.

10) Formula prepared from powder or concentrate or an open container of ready-to-feed formula shall be labeled and dated. Prepared formula not used within 24 hours shall be discarded.

11) Breast milk may be stored up to 48 hours in the refrigerator or up to two weeks in the freezer before discarding.

12) Breast milk shall be used only for the intended child.

13) Frozen breast milk shall be thawed under running water or in the refrigerator. Bottles of formula or breast milk shall be warmed by placing them in a pan of hot (not boiling) water for five minutes or in a bottle warmer according to the manufacturer's directions, followed by shaking the bottle well and testing the



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- milk temperature before feeding.
- 14) Bottles shall never be warmed or defrosted in a microwave oven.
  - 15) Only sanitized bottles and nipples shall be used. Bottles and nipples, reused by the day care center shall be sanitized by washing in a dishwasher, by boiling for five minutes or more just prior to refilling or by other method if approved by the Illinois Department of Public Health or local health department. Nipples are to be rinsed prior to washing.
  - 16) No food other than formula, milk, breast milk, or water shall be placed in a bottle for infant feeding unless otherwise indicated by the child's physician, in consultation with the parents.
  - 17) When children are exclusively bottle-fed or breast-fed, supplemental water shall be offered.
  - 18) Juice may be fed from a cup when the infant is old enough to drink from a cup (approximately six months). Juices shall be 100 percent fruit juice.
  - 19) Children under two years of age shall not be fed berries, candies, raisins, corn kernels, raw carrots, whole grapes, hot dogs, nuts, seeds, popcorn, raw peas or peanut butter, as these foods may cause choking.
  - 20) Cooked carrots, corn, peas and bananas may be served to infants only if washed, rated or puréed.
  - 21) Whole milk shall be served to children under two years of age unless otherwise requested by the child's physician.
  - 22) No caffeine or alcohol containing foods or drinks shall be served.
  - 23) Staff members shall wash their hands and the child's hands according to Section 407.320 before feeding each child.
  - 24) Infants shall either be held or be fed sitting up for bottle feeding. Infants unable to sit shall always be held for bottle feeding. When infants are able to hold their own bottles, they may feed themselves. The bottle shall be removed once the child has fallen asleep. Bottle propping and carrying of bottles by young children throughout the day/night shall not be permitted.
  - 25) Foods stored or prepared in jars shall be served from a separate dish and spoon for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the infant's name, dated, refrigerated and served within 24 hours or discarded.
  - 26) In accordance with the American Academy of Pediatrics recommendations, solid foods shall be introduced generally between four and six months of age. The time of introduction shall be indicated by each child's nutritional and developmental needs after consultation with the parents.
  - 27) Infants, according to their developmental ability, shall be allowed and encouraged to feed themselves. Staff shall provide supportive help for as long as each child needs such help.
  - 28) Routines, such as naps and feeding, shall take into consideration parents' information and wishes about the routines followed in the home.

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- b) Infants and toddlers shall be provided a daily program designed to meet the developmental needs of children of this age.
- 1) The same staff member shall feed, diaper and play with the child every day to establish interaction and establish continuity in the child's relationship with as few adults as possible.
- 2) Children shall be free to creep, crawl, toddle and walk as they are physically able. Walkers are not permitted unless prescribed by a physician.
- 3) Toddlers shall be encouraged to explore and manipulate art materials and shall not be expected to produce a finished art product.
- 4) Except as allowed in Section 407.200(d)(3), children shall be taken outdoors for a portion of every day unless the weather conditions pose a danger such as lightning or extremely high or low temperatures.
- 5) A variety of toys shall be accessible on low open shelves for the children to use, and these shall be rotated with stored toys.
- 6) For awake infants who cannot move about the room, the staff shall hold, rock and/or carry the child at least every 30 minutes and change the place and position of the child and the selection of toys available.
- 7) To avoid sudden infant death syndrome, children who cannot turn over alone shall be placed on their sides or backs unless contraindicated by a physician.
- 8) Information about feeding, elimination and other important information shall be recorded at the end of the day and made available to parents when the child is picked up at the end of the day.
- 9) A written plan shall be provided prior to the admission of children who are moved to a new group. The development of this plan shall involve the child's parents and the child care staff in both the sending and receiving rooms.
- 10) The daily program for infants and toddlers shall provide experiences which promote the individual child's growth and well-being in the development of gross and fine motor skills, sensory learning, language, cognition, and positive self-concept.
- 11) Self-care such as washing, dressing, toileting, brushing, and combing shall be encouraged as each child shows evidence of ability to do so.

(Source: Added at 22 Ill. Reg. 17.28, effective JAN 1 1998)

## Section 407.220 Special Requirements for School-Age Children

- a) A center receiving children within the school-age range shall comply with standards prescribed for all day care centers except when inconsistent with the special requirements prescribed by this Section.



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- b) The facility shall provide a designated area so that the older children's presence shall not interfere with the needs and care of younger children. School-age children may be combined in the same group as younger children only as allowed by Section 407.190.
- c) Clear definitions of legal responsibility and procedures shall be established among parent, facility and school when children move to and from school.
- 1) A parent shall be legally responsible for the child en route to the center unless transportation or escort service is provided by the center or the school.
- 2) Plans for transportation shall be established and agreed upon in writing by the parents, the school and the facility. Parents must sign a written consent allowing school-age children to be transported to another location or to their home where they are placed on their own supervision. Transportation plans may include, but are not limited to:
- Children leaving the center to go to school;
  - Children leaving school to go to the center; and
  - Children leaving the center.
- d) The day care center shall provide a program and activities that recognize the developmental and educational needs of school-age children who need group care before and after school.
- 1) Quiet activities such as, but not limited to, puzzles, table games, reading books, simple art or special projects, and opportunities to do homework shall be accessible to children on a first choice basis.
- 2) Children who have been in school all day shall have time set aside for relaxation and recreation immediately upon arrival from school.
- 3) Opportunity shall be available for the development of skills in areas such as but not limited to, sports, art, and music.
- 4) Multiple formats for activities (individual, small group or large group) shall be available to children.
- 5) Special activities outside the confines of the center shall be provided, such as trips to the library. The frequency is to be determined by the center.
- 6) The program shall be flexible to allow the children to participate in after-school activities sponsored by the school.
- e) The daily and weekly schedule shall provide a balance of activities in consideration of each child's total daily and weekly experience.
- f) A variety of developmentally appropriate activities and materials shall be provided to help children achieve the following goals:
- Positive self-concept, sense of independence and wise use of leisure time;
  - Social skills, including an awareness of community;
  - Cognitive skills;
  - Physical development and nutrition;
  - Sound health, safety and skillful practice.

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- 6) Creative expression; and
- 7) Respect for diversity.
- g) Opportunities for long-term projects for older children (eight years and up) or developmentally advanced children shall be provided at least quarterly.
- h) Opportunities shall be provided for homework, if requested by the parents, that may include peer or adult assistance.
- i) Developmentally appropriate materials and equipment shall be available and stored in an orderly, easily visible manner.
- j) Equipment and materials shall offer a range of complexity to meet the specific needs and interests of school-age children. This shall be reflected both in the nature of the equipment and materials provided and in the length of time in which children are encouraged to complete projects.
- k) Staff shall be aware of the whereabouts of each child at all times and shall regularly monitor all children.

(Source: Added at 22 Ill. Reg. 17.001, effective  
JAN 01 1998)

## Section 407.230 Intergenerational Programs

- a) The requirements of this Section shall apply to programs in which children and adults who are enrolled in a structured care setting are co-participants in a program that occurs at least monthly on a regular basis.
- b) When children and older adults are co-participants in an intergenerational program, a written statement shall be developed that includes:
- The program's purpose and goals;
  - An outline of the activities or means of achieving program goals;
  - The expectations of the program.
- c) There shall be a signed written agreement between the cooperating programs or facilities, defining the responsibilities of each.
- d) Intergenerational activities shall be guided by written plans that address the following:
- The goals and objectives of each activity;
  - Activity planning, orientation of participant groups, facilitation and follow-up;
  - Planning for group size, room arrangement and participant interaction;
  - The specific responsibilities of child care staff during each activity;
  - The supervision of adult participants during each activity;
  - Evaluation of each activity.
- e) There shall be written policies addressing health and safety issues, including:
- Health screening for adult participants;

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- 2) Issues of infection control;
- 3) Selection and supervision of adult participants;
- 4) Screening out or termination of participants who display inappropriate or potentially harmful behavior.
- 5) During intergenerational activities the child care staff familiar to the children shall remain present. The ratio of child care staff to the children shall remain in accordance with Section 407.130. Child care staff shall not be expected to supervise adult participants.
- 6) The day care center shall obtain and keep on file the following information from the adult program:
  - 1) The names, titles and contact information for the adult program supervisors;
  - 2) The plan for supervision of adult participants, including the names of staff and their direct responsibilities during program activities;
  - 3) The full name, address, telephone number and responsible party, if applicable, for each adult participant.
- 7) Each time the intergenerational visit occurs, an attendance record shall be kept by the day care center which includes:
  - 1) The full name of each child participating on that day;
  - 2) The full name of each adult participant for that day;
  - 3) The full name of every staff member present from both the child care and adult programs.
- 8) Prior to beginning an intergenerational program, the staff from the day care center shall receive orientation that includes:
  - 1) Information about the purpose and goals of the program;
  - 2) Specifics about how the program will operate;
  - 3) Information about the role of the day care center staff during the program and the expected interactions between child care and adult program staff;
  - 4) Information about the aging process, psycho/social needs of older adults and techniques for promoting the development of satisfying relationships between young children and older adults;
  - 5) Specific guidance in preparing children for participation in the intergenerational program.
- 9) Signed permission shall be obtained from each child's parents, allowing participation in the intergenerational program. This permission shall be maintained in the child's record.

(Source: Added at 22 Ill. Reg. 1748, effective JAN 01 1988)

## Section 407.240 Evening, Night, Weekend, and Holiday Care

- a) A center receiving children for evening, night, weekend and holiday care shall comply with standards for all day care centers except when inconsistent with the special requirements prescribed by this Section.

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- b) A child shall be considered to be enrolled in evening and/or night care when a majority of his or her time at the center occurs between 6:00 p.m. and 6:00 a.m.
- c) Family-like groups of mixed age are allowed during evening, night, weekend and holiday care. The age of the youngest child present shall be used to determine the staff/child ratio and group size.
- d) Staff counted for purposes of meeting child/staff ratio requirements shall be awake at all times and shall be in the sleeping area whenever children are sleeping. Nap time staff/child ratios may be applied to the children who are on their cots.
- e) Each child shall have an individual cot, bed, or crib equipped with bedding in good condition. The indoor room temperature and humidity in sleeping quarters shall be suitable for children and maintained in sleeping quarters. The day room used for other children at night if separate sets of clean sheets and blankets are provided to each user, and the cot or crib is washed and then sanitized with a germicidal solution between users.
- f) Each child shall have an individual washcloth, towel, toothbrush, comb or brush, and sleep-wear furnished either by the center or the child's parents.
- g) The night care program shall facilitate a relaxed atmosphere characterized by informal quiet activities.
  - 1) Scheduling shall reflect the need for regularity in meeting basic needs such as relaxation, meals, self-care, and sleep.
  - 2) Evening activities shall be primarily self-selected by individuals. Selections shall be chosen from activities such as, but not limited to, outdoor play, reading, lounging, study, table games, group games, conversation, listening to music, dramatic play, and art.
  - 3) Self-care routines shall include:
    - A) Brushing teeth at bedtime or upon rising;
    - B) Grooming hair upon rising; and
    - C) Toileting scheduled at bedtime and upon rising.
  - 4) Sleeping arrangements shall be such that the children who stay all night are not disturbed by the departure of those who stay only a portion of the night.
  - 5) An evening meal shall be served at a regular time each evening to all children then in attendance, and shall be available to other children who may arrive without having first eaten.
  - 6) A bedtime snack shall be served to each child.
  - 7) Breakfast shall be provided for all children who have been at the facility throughout the night and are present between 6:30 a.m. and 9:30 a.m.

(Source: Added at 22 Ill. Reg. 1748, effective JAN 01 1988)

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## Section 407.250 Enrollment and Discharge Procedures

- a) The day care center shall enroll only those children eligible under the center's written enrollment policies. The center shall not use eligibility criteria which screen out children with disabilities, and shall make reasonable modifications in policies, practices and procedures to accommodate children with disabilities.
- b) Prior to enrollment, the parents or guardian shall be provided information about the program and given an opportunity to observe during the hours of operation.
- c) The day care center shall provide publicly available written statements which include the following and which are given to parents at the time their child is enrolled in the facility:
- 1) Names, business address and telephone number of those persons legally responsible for the program and of those persons having immediate responsibility for the daily conduct of the program;
  - 2) Statement of services, purposes and goals;
  - 3) Description of the daily program;
  - 4) Fees and plan for payment;
  - 5) Policies regarding delinquent fees;
  - 6) Types of insurance coverage for children;
  - 7) Admission, enrollment, and discharge policies and procedures:
    - A) Hours of operation;
    - B) Information regarding part-time enrollment, if applicable;
    - C) Holiday and vacation schedules;
    - D) Arrangements for arrival and departure of children (time, location, transportation);
    - E) Provision for emergency medical care, treatment of illness and accidents, which includes:
      - i) A plan to obtain prompt services of physician and hospitalization, if needed, or a plan from the parent to access the services of a certified practitioner for a child exempt from medical care on religious grounds, and
      - ii) A plan for immediately notifying the parent or guardian of a child's illness, accident or injury to the child;
    - F) Formal religious observances, if any;
    - G) Visits, trips or excursions off the premises and the transportation used for these visits, trips, excursions;
    - H) Procedures concerning personal belongings brought to the center;
    - I) Policy regarding release of personal information on the child or family;
    - J) Guidance and discipline policy; and
    - K) Planned means of communication between the center and the parent(s).
- d) The facility shall distribute a summary of the licensing standards, provided by the Department, to the parents or guardian of each child at the time that the child is accepted for care in the facility. In addition, consumer information materials provided by the Department

including, but not limited to, information on reporting and prevention of child abuse and neglect and preventing and reporting communicable disease shall be distributed to the parents or guardian of each child cared for when designated for such distribution by the Department.

e) The day care center may ask parents to share professional evaluations during the enrollment process when necessary to determine how best to meet the needs of the child.

f) Parents shall be informed of and agree to any variations in regular procedures undertaken to meet the specific needs of their child.

g) The day care center shall give parents adequate information about the program so parents can make an informed decision regarding the enrollment of their child. At the time of enrollment, the parents shall receive a copy of all written policy statements required by Section 407.250(c).

h) Staff shall be informed of the child's enrollment before a child's first day of attendance and given the information necessary to make the child's initial adjustment as comfortable as possible.

i) The day care center shall maintain a record on all children enrolled in the center to help staff plan effectively to meet each child's individual needs.

j) A written enrollment application shall be on file for each child with the signatures of the enrolling parents. The application shall contain the following information:

A) Child's full name, date of birth and gender.

B) Date of enrollment and discharge.

C) Scheduled days and hours of care.

D) Name, home address and telephone number of parents.

E) Work hours of parents and name, address and telephone number of place of employment.

F) Name, address and telephone number of the child's physician or certified child and science practitioner, if applicable.

G) Name, address and telephone number of each person authorized to pick up the child who includes both:

i) A primary list of persons authorized to pick up the child regularly;

ii) A contingency list of persons authorized to pick up the child occasionally, including conditions for releasing the child to such persons.

H) Name, address and telephone number (day and evening) of persons to be contacted in an emergency if the parents cannot be reached.

I) Information regarding the child's individual development, habits, medical needs and other factors critical to the child's well-being and ability to participate in the program.

J) Written agreements and consents for the following shall be on file for each child:

A) Visits, trips or excursions off the premises, including



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- transportation arrangements, when appropriate.
- B) Health care and treatment, including emergency first-aid.
  - C) Child's involvement in research, if applicable.
  - D) Formal religious instruction or observances, if applicable.
  - E) Use of photographs, film or video of children.
  - F) School attendance away from the center, if applicable, including the time the child shall be released and the means of transportation the child shall use.
  - G) Participation in athletic activities such as swimming or gymnastics, if applicable.
  - H) Use of facility transportation, if applicable.
  - I) Records of health examinations, unless waived in accordance with Section 407.310(a)(7).
  - J) Any other attempts have been made to meet the child's individual needs, and the child's inability to benefit from the care offered by the facility or whose presence is detrimental to the group, shall be discharged from the facility.
  - K) In all instances when a facility decides that it is in the best interest of the child to terminate enrollment, the child's and parents' needs shall be considered by planning with the parents to meet the child's needs when he or she leaves the facility, including referrals to other agencies or facilities.

(Source: Added at 22 Ill. Reg. 1720, effective JAN 01 1998)

## Section 407.260 Daily Arrival and Departure of Children

- a) The daily arrival of children at the center shall be conducted in a way that protects each child's physical and emotional well-being. Information provided by the parents about a child's immediate daily needs shall be communicated in a timely manner to staff caring for the child.
- b) Child care staff shall conduct a daily pre-admission screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the child's inclusion or exclusion for the day shall be determined in accordance with Section 407.310(b) and (c).
- c) Children served in a day care center shall not remain on the premises for more than 12 hours in any 24-hour period, unless the parent's enrollment or training schedule requires more than 12 hours of day care and this has been confirmed in writing by the parent. The written confirmation shall be kept on file for licensing review.
- d) A daily attendance log shall be maintained in such a way that it is always possible to determine the number of children present at any given time.
- e) The daily departure of children from the center shall be conducted in a way that protects each child's physical and emotional well-being.
- f) The staff shall refuse to release a child to any person, whether

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- related or unrelated to the child, who has not been authorized by the parent(s) to receive the child. Persons not known to the staff shall be required to provide a driver's license (with photo), a photo identification card issued by the Illinois Secretary of State or other photo identification to establish their identity before the child is released to them.
- 2) When a child is released to a person authorized on the contingency list, the center shall maintain a record of the person's name and the date and time.
  - 3) The time of each child's departure from the center shall be noted on a daily departure log and initiated, signed or otherwise documented by the person to whom the child is released.
  - 4) When the center has a written policy or an individual plan for a specific single-age child, that child may be allowed to leave the center's unaccompanied, in written authorization from their parent(s). This authorization must include:
    - A) the time of release from the center;
    - B) the means of transportation the child will use and, if applicable, the time the child is to return to the center;
    - C) the procedure to be followed if the child does not return at the expected time; and
    - D) the designated staff person to enter the time of the child's departure and initial the log.

(Source: Added at 22 Ill. Reg. 1720, effective JAN 01 1998)

## Section 407.270 Guidance and Discipline

- a) The day care center shall develop a guidance and discipline policy for staff use that is also provided to parents. Staff shall sign the guidance and discipline policy at the time of enrollment and parents shall sign the policy when their child is enrolled. The policy shall include:
  - 1) A statement of the center's philosophy regarding guidance and discipline;
  - 2) Information on how discipline will be implemented by staff;
  - 3) Information on how parents will be involved in the guidance and discipline process;
  - 4) Information on how children will be involved in the guidance and discipline process; and
  - 5) Written procedures for termination of a child's enrollment in the day care center because of disciplinary issues.
- b) Written rules for all children shall be established and available to children, parents and staff. These rules shall set the limits of behavior required for the protection of the group and individuals. The rules shall:
  - 1) Pertain to important situations;



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- 2) Be understandable to children;
- 3) Be stated in the positive form whenever possible; and
- 4) Be enforceable.
- c) Child care staff shall help individual children develop self-control and assume responsibility for their own actions.
- 1) Limits and consequences shall be clear and understandable to the child, consistently enforced and explained to the child before and as part of any disciplinary action.
- 2) Discipline shall be developmentally appropriate and logically related to the child's act and shall not be out of proportion to the particular inappropriate behavior. The child shall be made aware of the relationship between the act and the consequences.
- 3) All positive statements about behaviors or identification of behaviors shall be the accepted techniques for use with infants and toddlers.
- 4) Removal from the group to help a child gain control shall not exceed one minute per year of age. Removal from the room shall not be used for children less than 24 months of age.
- 5) Children shall not be disciplined for toilet accidents.
- 6) The following behaviors are prohibited in all child care settings:
- Corporal punishment, including hitting, spanking, swatting, beating, shaking, pinching and other measures intended to induce physical pain or fear;
  - Threatened or actual withdrawal of food, rest or use of the bathroom;
  - Abusive or profane language;
  - Any form of public or private humiliation, including threats of physical punishment; and
  - Any form of emotional abuse, including shaming, rejecting, terrorizing, or isolating a child.
- d) Preschool and school-age children shall have reasonable opportunity to resolve their own conflicts.
- e) Discipline shall be the responsibility of adults who have an ongoing relationship with the child.
- f) When there is a specific plan for responding to a child's pattern of unacceptable behavior, all staff who affect the child shall be aware of the plan and cooperate in its implementation.
- g) Clinical behavior management plans may be developed to meet the needs of a particular child if developed with the parent and a professional clinician. This must be documented in the child's file. All staff working with the child shall receive training on implementing the plan.

(Source: Added 22 111. Reg. 1723 - effective

Section 407.280 Transportation

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- a) These requirements shall apply to any day care center that provides or arranges for the provision of transportation for children as follows:
- to or from their homes or other pre-arranged sites and the center;
  - in connection with an activity conducted by or through the auspices of the center; and
  - from the center to a hospital, clinic or office for medical treatment (except in emergency situations).
- b) A center providing any of the services shall comply with the driver licensing and Rules of the Road financial responsibility vehicle equipment and vehicle inspection provisions of the Illinois Vehicle Code (625 ILCS 5).
- c) The driver of a vehicle transporting children on behalf of a day care center, whether paid or unpaid, shall comply with the following requirements:
- is 21 years of age or older;
  - currently holds a valid driver's license, which has not been revoked or suspended for one or more traffic violations during the three years immediately prior to the date of application; demonstrates physical fitness to operate vehicles by submitting the results of a medical examination conducted by a licensed physician;
  - has not been convicted of more than two offenses against traffic regulations governing the movement of vehicles within a twelve month period;
  - has not been convicted of reckless driving or driving under the influence or manslaughter or reckless homicide resulting from the operation of a motor vehicle within the past three years;
  - has signed and submitted a written statement certifying that he has not, through the unlawful operation of a motor vehicle, caused an accident which resulted in the death of any person within the five years immediately prior to the date of application.
- However, any day care center may provide for transportation of a child or children for special outings, functions or purposes that are not scheduled on a regular basis without verification that drivers for such purposes meet the requirements of this Section. [225 ILCS 10/5-1(a)]
- d) A child care facility driver application and a copy of the current medical form shall be submitted to the Department for any individual who transports children regularly on behalf of a day care center.
- e) Any individual who holds a valid unrestricted Illinois school bus driver permit issued by the Secretary of State pursuant to the Illinois Vehicle Code, and who is currently employed by a school district or parochial school, or by a contractor with a school district or parochial school, to drive a school bus transporting children to and from school, shall be deemed in compliance with the requirements of subsections (c) and (d) above. [225 ILCS 10/5-1(b)]

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- f) The driver and attendants shall meet the requirements of Section 407.100.
- g) The driver shall not leave the vehicle unattended at any time while transporting children.
- h) The driver shall be seated in the driver's seat and shall exit the vehicle from the curb side of the street and safely, conducted across the street. The route shall be planned so that the vehicle can be driven to the curb side of the street as the child's destination.
- i) The driver shall see that a responsible person as designated on the child's parent or guardian is present to take charge of a child when delivered to his or her destination.
- j) The driver shall see that order is maintained in the vehicle for safety of the children in transit.
- k) The number of children transported in a vehicle shall not exceed the manufacturer's rated passenger capacity.
- l) The staff/child ratios as listed in this subsection shall be maintained.
- 1) A driver alone may transport two infants or three toddlers and shall be assisted by an adult attendant for each additional one to three infants or one to four toddlers.
  - 2) A driver alone may transport eight children between two and five years of age and shall be assisted by an adult attendant for each additional one to eight children between two and five years of age.
  - 3) A driver alone may transport ten children between three and five years of age and shall be assisted by an adult attendant for each additional one to ten children between three and five years of age.
  - 4) When children under two years of age are transported with children two years of age or older, the staff/child ratio shall be in accordance with Section 407.190.
  - 5) When school-age children are transported for program activities, the staff/child ratio shall be in accordance with Section 407.190.

- b) Age-appropriate safety restraints which are federally approved and labeled such shall be used in all cases when transporting children in vehicles having a gross weight of less than 10,000 pounds, except that individual safety restraints shall not be required when children ride as passengers in taxicabs or common carriers and public utilities operating under the jurisdiction of the Illinois Commerce Commission. No more than one child may be in each seat belt.
- c) A vehicle used by the center to transport children shall be maintained in mechanically safe condition at all times. The driver must inspect the vehicle before use each day, both internally and ensure that including all safety equipment and possible hazards, and ensure that the headlights, turn signals, stop arms, and windshield wipers are in sound operating condition, that the tires are inflated to correct pressure and the vehicle has more than an adequate supply of fuel for

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- transportation that day.
- o) The driver shall inspect the vehicle after each use to assure that no child is left in the vehicle.
- p) Any vehicle used for the transportation of children on behalf of the day care center shall be equipped with a first-aid kit when used for transporting children. The first-aid kit shall consist of the items required by Section 407.980.
- q) All children transported shall be followed in case of accidents, serious illnesses, weather hazards, and other pertinent information shall be maintained. The emergency plan shall remain in the possession of the driver while en route.
- 1) With the exception of school buses, vehicle doors shall be locked at all times when the vehicle is moving. The doors shall be opened and closed only by the driver or by another designated adult.
  - 2) The driver shall not allow children to stand in a moving vehicle, sit on the floor of a vehicle in use or extend any part of their body through the vehicle windows.
  - 3) The facility shall maintain a written plan for scheduled transportation of children, which shall include:
    - 1) The schedule of the transportation route. When after-school transportation is provided, the schedule shall insure that children are not left waiting for a long period for the vehicle to arrive.
    - 2) The name and address of the persons authorized to receive a child delivered to a place other than the child's residence.
    - 3) Procedures to be followed when the parent or authorized adult is not present to receive the child, and
    - 4) Written safety precautions to be followed, along with a written emergency plan.

(Source: Added 05 22 Ill. Reg. 1723 effective JAN 01 1998)

## Section 407.290 Swimming and Wading

- a) Swimming and wading pools shall be appropriately maintained and supervised.
- b) All swimming pools and wading pools, whether at the day care center or elsewhere, shall comply with the Illinois Department of Public Health Code 77 Ill. Adm. Code 820, Illinois Swimming Pool and Bathing Beach Code.
- c) All in-ground pools located in areas accessible to the children shall be fenced. The fence shall be at least five feet in height and secured with a locked gate. Day care centers that are licensed currently have until January 1, 1999 to comply with this requirement.
- d) All above-ground pools shall have nonclimbable sidewalls that are four feet high or shall be enclosed with a fence in accordance with subsection (c) of this Section. When the pool is not in use, steps

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shall be removed from the pool or otherwise protected to insure they cannot be accessed.

- e) When children are swimming, supervision shall include at all times at least one person currently certified as a lifeguard or water safety instructor by the American Red Cross or an equivalent water safety program. If swimming is being done at a pool open to other persons and a lifeguard or lifeguards are provided by the pool or beach operator, an additional lifeguard is not necessary.
- f) All adults counted in the staff/child ratio for swimming shall receive basic water safety instruction from a person certified as a lifeguard or water safety instructor per subsection (e) of this Section.
- g) The following staff/child ratio shall be maintained when children are swimming, whether at the center or at other public or private swimming pools, lakes or recreational swimming facilities. A minimum of two adults must be present at all times.

## NUMBER OF CHILDREN PER EACH STAFF

Infants/toddlers (under 2 years)	1
Two-year-olds	2
Three-year-olds	3
Four-year-olds	4
Five-year-olds	5
School-age children from six to eight years of age	10
School-age children nine years of age and older	15

- b) In addition to the lifeguard and staff required in subsection (a) of this Section, one adult shall be present to serve as bathroom monitor and provide other general out-of-water supervision.
- i) Whenever swimming is included in the program of the child care center, the program shall be offered on an optional basis with alternative activities available for children who do not participate in swimming.

(Source: Added at 22 Ill. Reg. 1-28, effective JAN 01 1998)

## Section 407.300 Animals

- a) Healthy household pets that present no danger to children are permitted on the premises unless prohibited by local health regulations.
- b) A licensed veterinarian shall certify that dogs and cats have been inoculated against rabies. This certification shall be obtained when the animal is acquired (if four months of age or older) as required by 8 Ill. Adm. Code 30. Animal Control Act. Gerbils, hamsters, and guinea pigs which appear healthy may be kept in the day care center if

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- c) All animals shall be physically separated from children both indoors and outdoors except as a portion of a specifically planned program activity under the direct supervision of a staff member.
- d) Immediate treatment shall be obtained for any child who sustains a bite or scratch from an animal, and the child's parent shall be notified. In addition, the center shall notify the county animal control administrator or designated agent and follow the provisions of the Illinois Animal Control Act (520 ILCS 5).
- e) Animals and/or pets shall be properly housed, fed and maintained in a safe, clean and sanitary condition at all times.
- i) Domestic animals, birds or fowl shall not be permitted at any time in areas where foods are prepared or maintained.
- 2) A responsible staff person shall be assigned to the care of any animal or pet on the premises.
- 3) The child care center shall be free of stray animals which may cause injury and/or disease to children.
- f) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in the day care center.

(Source: Added at 22 Ill. Reg. 1-28, effective JAN 01 1998)

## SUPPORT G: HEALTH AND HYGIENE

## Section 407.310 Health Requirements for Children

- a) A medical report on forms prescribed by the Department shall be on file for each child.
- i) The initial medical report shall be dated less than six months prior to enrollment of infants, toddlers and preschool children. For school-age children, a copy of the most recent regularly scheduled school physical may be submitted (even if more than six months old) or the day care center may require a more recent medical report by its own enrollment policy. If a health problem is suspected, the day care center may require additional documentation of the child's health status.
- 2) If a child transfers from one day care center to another, the medical report may be used at the new center if it is less than one year old. In so doing, the center shall maintain a copy of the child's medical form and return the original to the parent.
- 3) The medical examination shall be valid for two years, except that subsequent examinations for school-age children shall be in accordance with the requirements of the Illinois School Code (105 ILCS 5-27-8.1) and the Child Health Examination Code (77 Ill. Adm. Code 665). Provided that copies of the examination are on



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- file at the day care center.
- 4) The medical report shall indicate that the child has received the immunizations required by the Illinois Department of Public Health in its rules (77 Ill. Adm. Code 657, Immunization Code), measles, mumps, rubella, scarlet fever, diphtheria, pertussis, poliomyelitis, tetanus, typhoid, and hepatitis B.
  - 5) Unless the examining physician has determined that it is unnecessary, a tuberculin skin test by Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age or at the age of one year for children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when children begin elementary and secondary school.
  - 6) The initial examination shall show that children from the ages of one to six years have been screened for lead poisoning (for children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)) or that a lead risk assessment has been completed (for children residing in an area defined as low risk by the Illinois Department of Public Health).
  - 7) In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent(s), and kept in the child's record.
  - 8) Exceptions made for children who should not be subject to immunizations or tuberculin tests for medical reasons shall be indicated by the physician on the child's medical form.
  - 9) Day care centers shall maintain an accurate list of all children enrolled in the center who are not immunized, as required by Illinois Department of Public Health rules (77 Ill. Adm. Code 845-40). List of Non-immunized Child Care Facility Attendees or shall include the number of non-immunized children on the list and the physician's name, address, and telephone number.
  - 10) Medical records shall be maintained and signed by the examining physician and include the name, address, and telephone number of the physician responsible for the child's health care.
  - 11) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690) shall be excluded from the center.
  - 12) Children shall be screened upon arrival daily for any obvious signs of illness. If symptoms of illness are present, the child care staff shall determine whether they are able to care for the child safely, based on the apparent degree of illness, other children present and facilities available to care for the ill child.

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- 1) Children with diarrhea and those with a rash combined with fever (oral temperature of 101° F or higher or higher or under the arm temperature of 100° F or higher) shall not be admitted to the day care center until those symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.
- 2) Children need not be excluded for a minor illness unless any of the following exists, in which case exclusion from the day care center is required:
  - A) Illness which prevents the child from participating comfortably in program activities;
  - B) Illness which calls for greater care than the staff can provide without compromising the health and safety of other children;
  - C) Rash combined with fever over 101° F (oral);
  - D) Unusual lethargy, irritability, persistent crying, difficulty breathing or other signs of possible severe illness;
  - E) Diarrhea;
  - F) Vomiting two or more times in the previous 24 hours, unless the vomiting is determined to be due to a noncommunicable condition and the child is not in danger of dehydration;
  - G) Mouth sores associated with the child's inability to control his or her saliva, until the child's physician or the local health department states that the child is noninfectious;
  - H) Rash with fever or behavior change, unless a physician has determined the illness to be noncommunicable;
  - I) Persistent conjunctivitis, until 24 hours after treatment has been initiated;
  - J) Ametia, until 24 hours after treatment has been initiated;
  - K) Strep throat (streptococcal pharyngitis), until 24 hours after treatment has been initiated and until the child has been without fever for 24 hours;
  - L) Head lice, until the morning after the first treatment;
  - M) Scabies, until the morning after the first treatment;
  - N) Chicken pox (varicella), until at least six days after onset of rash;
  - O) Whooping cough (pertussis), until five days of antibiotic treatment have been completed;
  - P) Mumps, until nine days after onset of parotid gland swelling;
  - Q) Measles, until four days after disappearance of the rash; or
  - R) Symptoms which may be indicative of one of the serious, communicable diseases identified in the Illinois Department of Public Health Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- 3) Space shall be provided for a child who becomes ill at the center. Such space shall be ventilated and heated, within sight and hearing of



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an adult, and equipped with a cot and materials that can be easily cleaned and sanitized.

- f) The center shall report any known or suspected case or carrier of communicable disease to local health authorities and comply with the Illinois Department of Public Health's Control of Communicable Diseases Code (77 Ill. Adm. Code 690). The center shall maintain a file of reported illnesses which may indicate possible infectious disease.
- g) If a child needs emergency care because of an accident or illness that occurs while the child is in care, the day care center shall attempt to contact the child's parent(s) at the phone numbers provided for that purpose. If unable to locate the parents, the day care center's attempts to do so shall be documented in the child's file.

- h) Major and minor accidents or illnesses which happen to a child at the day care center shall be recorded in the file, and parents shall be notified.

- i) Reports of all incidents and injuries involving children shall be prepared by the person responsible for the child at the time of the occurrence and shall include:

- 1) The time and place of the incident or injury and details about how it occurred;
- 2) When medical care is necessary, a statement signed by the physician attending the child, describing the nature and the extent of injury.

- j) Employees shall wear disposable latex gloves when treating a wound. Employees shall wash their hands, as prescribed by Section 407.320, after removing the disposable gloves.

- k) When a child's medical needs require special care or accommodation, such care shall be administered as required by a physician, subject to receipt of appropriate releases from the parent(s). Medical consultation shall be available to the staff as needed for the health and medical needs of the children served.

- l) The facility shall make potable drinking water freely available to all children by providing drinking fountains and/or disposable cups for individual use. Water shall be offered to infants and toddlers at frequent intervals.

- m) A child's soiled clothing shall be changed immediately.

- n) Universal precautions shall be followed when handling soiled clothing. Children shall have shower baths when necessary to ensure bodily cleanliness. Parents shall be notified when a child has received a shower or bath. Children under the age of five shall not be left alone when bathing.

- o) When used by children at the child care center, toilet articles such as combs, brushes, toothbrushes, towels and washcloths shall be individually provided by the parent or the center. They shall be plainly marked with the child's name and stored individually in a sanitary manner in areas which promote drying. Single-use and disposable articles are permitted. Toothbrushes, if used, shall be

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- replaced when they have lost their tone.
- p) If toothpaste is used, care shall be taken to avoid cross-contamination when dispensing.

- 1) Each child shall be given a separate tube of toothpaste labeled with his or her name; or
- 2) If a single tube is used, the toothpaste shall be dispensed by placing a small amount on the rim of each child's rinsing cup or on a piece of waxed paper.

- q) All new linens shall be laundered prior to use.

- r) Staff and children shall wash hands as required by Section 407.320. (Source: Added at 22 Ill. Reg. 407.320, effective JAN 01 1998)

## Section 407.320 Hand Washing

- a) Children's hands shall be washed routinely and frequently with soap and water, at least at the following times:

- 1) Upon arrival at the center;
- 2) Before and after each meal or snack;
- 3) After using the toilet or having diapers changed;
- 4) After handling pets or animals;
- 5) After wiping or blowing his or her nose;
- 6) After touching items soiled with body fluids or wastes (e.g., blood, drool, urine, stool or vomit);
- 7) Before and after cooking or other food preparation;
- 8) After outdoor play time; and
- 9) Before and after using the water table.

- b) Staff hands shall be washed routinely and frequently with soap and water at least at the following times:

- 1) Upon arrival at the center;
  - 2) After using the bathroom or helping a child use the bathroom;
  - 3) After changing a diaper;
  - 4) After wiping or blowing their nose, or helping a child to wipe or blow his or her nose;
  - 5) After handling items soiled with body fluids or wastes (e.g., blood, drool, urine, stool or vomit);
  - 6) After handling pets or other animals;
  - 7) After handling or caring for a sick child;
  - 8) Before and after eating or drinking;
  - 9) Before preparing, handling or serving food; and
  - 10) Before dispensing any medication;
  - 11) Before administering first aid; and
  - 12) When changing rooms or caring for a different group of children.
- c) The following technique for thorough hand-washing shall be used:
- 1) Wet hands under warm running water.
  - 2) Lather both hands well and scrub vigorously for at least 15 seconds.

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- 3) Rinse hands thoroughly under warm running water.
- 4) Dry both hands with a new single-use towel or automatic dryer.
- 5) For hand-held faucets, turn off the water using a disposable towel instead of bare hands to avoid recontamination of clean hands.
- d) Automatic hand dryers shall be regularly inspected to insure that they are in proper working order so that children are not burned or receive electric shocks. Automatic dryers shall not be used for infants and toddlers. Other children under six years of age shall be closely supervised when using these dryers.
- e) When children are two years of age, their hands by themselves, staff shall wash their hands using the above technique. As children are developmentally ready, staff shall teach children the correct hand-washing technique and assist and supervise the procedure as needed.

(Source: Added at 21 Ill. Reg. 17.20 effective  
JAN 01 1998)

## Section 407.330 Nutrition and Meal Service

- a) Food shall be cooked or prepared at the day care center in a kitchen which has been inspected and approved in accordance with the Illinois Department of Public Health's Food Service Sanitation Code (77 Ill. Adm. Code 750) or food may be purchased from a licensed catering service. Preparation of food, whether on or off site, shall comply with the Food Service Sanitation Code. A copy of these regulations shall be available to appropriate staff.
- b) Food service shall be under the management of a State-certified food service manager as required by the Food Handling Regulation Enforcement Act [410 ILCS 625].
- c) None of the operations connected with routine food preparation shall be conducted in a room used for sleeping, caregiving or laundry purposes.
- d) Kitchen areas shall be clean and equipped for preservation, storage, preparation and serving of food.
- e) Provisions shall be made for the cleaning and sanitization of dishes.
- f) All food consumed by children under the supervision of the child care center shall be provided by the center, except as follows:
  - 1) Parents may provide the food for infants not yet consuming table food or for any child requiring a special diet that cannot reasonably be provided by the center staff, commercially prepared foods may be brought in occasionally by parents as part of holiday or birthday celebrations. Food brought in for this purpose must be unopened, as packaged by the bakery or manufacturer, or it shall not be accepted.
  - 2) Information on special diets shall be obtained in writing from the parents and/or medical providers and maintained on file at the child care center.

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- a) Menu shall be planned at least one week in advance and shall be available for review. If substitutions are made for any food item, menus shall be corrected to reflect meals as served. Substitutions shall be nutritionally equal to the food items being replaced. Affected menus shall be on file and available for review for one year.
- b) Menus shall be posted in the kitchen, the classroom or other area accessible to parents, and made available to parents upon request.
- 2) Menu planning shall reflect consideration for cultural and ethnic patterns, and menus shall be nutritionally equivalent to the requirements of the Meal Pattern Chart in Appendix D and Appendix E, as appropriate.
- 3) From the months of October through May, the main meal shall be a hot meal, with occasional exceptions of no more than twice per month. During the months of June through September, a hot or cold meal conforming to the Meal Pattern Chart (see Appendix E) shall be served.
- 4) Lunches served during field trips shall be provided by the center or purchased from a food vendor.
- b) Adequate and appropriate food shall be served according to the amount of time the child spends at the center. The center shall provide 1/3 to 2/3 of the child's daily nutrient needs depending on length of stay, as outlined in the chart below. These nutrient needs are based on the current recommended dietary allowances set by the Food and Nutrition Board of the National Research Council and are outlined in Appendix D and Appendix E.

## Time Present Per Day

## Number of Meals and Snacks Per Day

Two to five hours  
Five to ten hours  
More than ten hours

One snack  
One meal and two snacks or two meals  
and one snack  
Two meals and two snacks or one meal and three snacks

- 1) Children shall be offered food at intervals of not less than two hours and not more than three hours apart unless the child is asleep.
- 2) Provisions of this Section notwithstanding, a child requiring a special diet due to medical reasons, allergic reactions or religious beliefs shall be provided with meals and snacks according to the written instructions of the child's parents, clergy and/or the child's medical provider.
- 3) Information on special diets shall be obtained in writing from the parents and/or medical providers and maintained on file at the child care center.

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- 2) Records of food intake shall be maintained when indicated by the child's medical provider.
- 3) When providing a special diet causes undue hardship or expense for the child care center, meals or portions of meals shall be provided by the parent upon written agreement of the parent and the center. The parent shall be responsible for the safety of food brought into the center.
- 4) Potentially hazardous and perishable food shall be refrigerated immediately upon arrival.
- 5) Special foods provided by parents shall be clearly labeled with the child's name, date and identity of the food and shall not be shared by other children.
- k) Meals and snacks for children one year of age and older shall comply with the requirements of Appendix E.
  - 1) Meals and snacks are as follows:
    - a) Milk: Grade A pasteurized, fortified, fluid milk. Because low-fat and fat-free milks may not provide adequate levels of calories and fatty acids, these milks shall not be given to children under two years of age unless ordered by the child's physician.
    - b) Meat or meat alternative: Edible protein such as meat, fish or chicken or other protein sources such as eggs, cheese, dried beans or peas. A casserole or mixed dish must contain the required amount of protein per serving.
    - c) Fruits and vegetables: Cooked or raw. Each child shall have a total of two servings of fruits and/or vegetables for lunch. A good source of vitamin C shall be served daily. These include citrus fruits, melons and other fruits that contain at least 30 mg of vitamin C per serving.
    - d) Bread or bread alternative: An equivalent serving of cornbread, biscuits, rolls, muffins, bagels or tortillas made of enriched or whole grain meal or flour may be substituted for sliced bread. Bread alternatives include enriched rice, macaroni, noodles, pasta, stuffing, crackers, bread sticks, dumplings, pancakes, waffles and hot or cold cereal.
    - e) Butter or margarine: As a spread for bread, if desired.
- 2) If any part of the nutritional requirements is designated as dessert, it shall be served as an integral part of the meal. Ice cream or milk-based pudding may be used occasionally. Cake, pastries, cookies or other foods with high sugar and/or fat content shall not be used as lunch desserts.
- 3) Vegetarian meals that meet protein requirements may be served. The main dish shall contain one or more of the following: cheese, eggs, legumes, or peanut butter.
- 4) Foods that cause choking shall not be served to children under two years of age as noted in Section 407.210(f)(19). Hot dogs and raw carrots may be served to children between two and three

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- years of age only if cut into short, thin strips. Peanut butter shall only be served to children between two and three years of age if thinly spread on bread, crackers, or other foods or if mixed with other foods.
- 5) Children shall be permitted to have one or more additional servings to meet their individual needs.
- 1) Food shall be prepared and handled safely.
  - 1) Hot foods shall be maintained at a temperature of 140° F or above and cold foods at 40° F or below, except that food may be held at a temperature of 45° F for a maximum of three days. See Section 409.140 of the Food Service Sanitation Code (77 Ill. Adm. Code 350).
  - 2) Foods returned from individual plates and family style serving bowls shall be discarded. Other unserved food shall be promptly covered to avoid contamination, labeled, dated and refrigerated or frozen immediately. Leftover fresh food shall be used within 24 hours. Frozen food shall be used within 30 days.
  - 3) Milk, formula and baby food shall be handled and served to infants who are not yet eating table food according to the provisions of Section 407.210.
- m) Adequate numbers of appropriate durable dishes, glassware and eating utensils shall be provided to serve all of the children. These items shall be in good repair and free of breaks, cracks or chips. Disposable dishes and utensils may be used and shall be discarded after single use. Due to the danger of choking, disposable eating utensils shall not be used by children under two years of age.
- n) The design and size of tables, chairs, dishes, glasses and eating utensils shall be appropriate to the ages of the children served.
- o) All cooking and feeding utensils shall be washed and sanitized after each use.
- p) Meals shall be relaxed and unhurried and provide time for socialization.
  - 1) An adult shall sit at the table with the children during meal time, provide supervision and demonstrate good mealtime practices.
  - 2) Delays in food service shall be avoided so that children do not have to sit and wait.
  - 3) Children shall be encouraged to eat, but not forced or bribed.
  - 4) Small portions of bite-sized pieces shall be provided for preschool children.
  - 5) Children shall be encouraged to feed themselves. Staff shall provide supportive help for as long as the child needs such help.
  - 6) Food shall be served onto plates or other sanitary containers.
  - 7) Children shall be seated comfortably, with sufficient room to manage food and eating utensils.
  - 8) School-age children may be served separately or with younger children, if this can be accomplished without disruption to the ongoing program.



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- g) Food shall never be used as a punishment or reward.

(Source: Added at 22 Ill. Reg. 17.28, effective JAN 01 1998)

## Section 407.340 Diapering and Toileting Procedures

- a) Each area serving children wearing diapers shall have a designated diapering area which includes at least the following:
- An accessible hand-washing sink within the same room without barriers such as doors. Facilities licensed for infant care on January 1, 1998 have until January 1, 2000 to come into compliance with this requirement.
  - A changing surface that has an impervious, non-absorbent surface.
  - Covered receptacles conveniently located close to the changing surface(s) for the disposal of soiled diapers. These receptacles shall be washable, plastic lined and tightly covered. There shall be separate containers for disposable diapers, cloth diapers (if used), and soiled clothes and linens.
  - A supply of disposable latex gloves.
  - Clearly posted procedures for diaper changing, consistent with the following:
    - Have the following supplies ready before bringing the child to the diapering area:
      - Disposable wipes or fresh, wet paper towels;
      - Diapers;
      - Preparations prescribed by the child's doctor or ordered by the child's parent; and
      - Disinfecting solution and paper towels for cleaning up.
    - Lay the child on the changing surface, taking care to minimize contact with the child if his/her outer clothes are soiled.
    - Put on protective gloves.
    - Remove diaper and any soiled clothes.
    - Clean the child's bottom from front to back with a fresh disposable wipe or a damp paper towel.
    - Dispose of disposable diapers, paper towels and diaper wipes in covered receptacle. Put soiled clothes and cloth diapers into a plastic bag to be sent home with the parent.
    - Remove disposable gloves. Wash hands or wipe hands with a premoistened towelette.
    - Wash the child's hands in accordance with the requirements of Section 407.320.
    - Place clean diaper on the child. Make sure child's clothing is clean and dry. If not, change child's clothing.
    - Remove child from the changing table.
    - Clean visible soil from the changing table with paper towels

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- or disposable wipes.
- Clean and disinfect the diapering area.
  - Wash adult hands, using procedures outlined in Section 407.320.
- b) The diapering area shall be separate from any food preparation areas, and shall never be used for the temporary placement or serving of food.
- c) Changing surfaces shall be cleaned and sanitized between each diaper change.
- d) Diaper receptacles shall be cleaned and sanitized daily.
- e) Diapers shall be able to contain urine and stool and minimize fecal contamination of the child, caregivers, environmental surfaces and objects of the child care center.
- f) If cloth diapers are used, soiled cloth diapers and/or soiled training pants shall never be rinsed. The fecal content may be placed in the toilet, but the diaper shall not be rinsed.
- g) Toilet-training equipment shall be provided for children being toilet-trained.
  - Child-sized toilets or safe and cleanable step aids and modified toilet seats shall be available.
  - If used, the contents of potty chairs shall be dumped in the toilet, and the potty chair shall be cleaned and sanitized between each use.
  - Toilet-training equipment shall not be counted as toilets in the toilet/child ratio.
- h) Lavatories (hand-washing sinks) and toilet facilities shall be provided in the ratios specified below. Although potty chairs are allowed when children are being toilet-trained, potty chairs are not counted when determining compliance with these ratios.
- | Capacity of Child Care Center (excluding infants) | Number of Toilets | Number of Lavatories |
|---|-------------------|----------------------|
| 1 to 10   | 1                 | 1                    |
| 11 to 25  | 2                 | 2                    |
| 26 to 50  | 3                 | 3                    |
| 51 to 75  | 4                 | 4                    |
| 76 to 100   | 5                 | 5                    |
| 101 to 125  | 6                 | 6                    |
| 126 to 150  | 7                 | 7                    |
| 151 to 175  | 8                 | 8                    |
| Per every 25 more children                        | 1 more            | 1 more               |
- b) Toilets and lavatories shall be readily accessible to the children. If toilets are not located near the children's activity areas, an adult shall accompany children four years of age or younger.
- i) If toilets and lavatories are not child-sized, non-absorbent safe steps shall be provided.



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- 1) Hot and cold running water shall be provided.
- 1) Hot water supplied to plumbing fixtures used by children shall be tempered or thermostatically controlled to less than 115° F.
- 2) In areas serving infants and toddlers, water shall be mixed through one mixing valve.
- k) Mild liquid soap and single-use towels or automatic dryers shall be provided. Towels may be disposable. Automatic dryers shall not be used for infants and toddlers.
- 1) Toilet and hand-washing areas for school-age children shall be enclosed to provide for privacy.
- m) Toilet(s) and lavatories shall be readily accessible for staff use.
- n) Children and staff shall wash hands thoroughly according to Section 407.320 after using the toilet or assisting in toileting, and after each diaper change.

(Source: Added at 22 Ill. Reg. 1720, effective JAN 01 1998)

## Section 407.340 Napping and Sleeping

- a) When a child's time in attendance at the day care center requires sleep or nap provisions, the center shall provide a separate crib, bed or cot and individual sheets and bedding.
- 1) Children under six years of age who are not enrolled in kindergarten or elementary school who remain five or more hours shall have the opportunity to rest or nap.
- 2) Infants and toddlers shall be allowed to rest or sleep according to each child's individual pattern, as determined in consultation with parents.
- 3) Children three years of age and older (until they are enrolled in kindergarten) generally shall not nap for more than two hours or rest without sleeping for more than 60 minutes. Children in this age group who do not sleep may be permitted to get up and shall be helped to have a quiet time with equipment or activities which will not disturb the napping children. When children are allowed to get up, the staff to child ratio shall comply with Section 407.190(a).
- 4) Kindergarten and school-age children shall not be required to sleep or rest. However, floor pillows, sofa, carpet, bean bag chairs, padded chairs or cots shall be provided for lounging or resting.
- b) The crib, bed or cot provided for each child shall be appropriate to the child's level of development.
- 1) Infants shall sleep in cribs:
- A) Safe, sturdy, well-constructed free-standing cribs or portable cribs used for sleeping shall be equipped with a good, firm, tight-fitting mattress.
- B) Mattresses shall be at least two inches thick and made of

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- washable materials.
- c) There shall be no more than 1/2 inch of space between the mattress and the bed frame when the mattress is pushed flush to one corner of the crib.
- d) When using cribs with slats, cribs slats shall be spaced no more than 2 3/8 inches apart.
- 2) Toddlers may use either stacking cots or full-size cribs.
- 3) A cot or bed shall be provided for each toddler and preschool child in attendance for five or more consecutive hours. A crib shall be provided for each licensed infant slot, regardless of the amount of time the child is present.
- c) Each cot, bed or crib shall be labeled with the name of the child.
- d) Cribs, beds and cots shall be maintained in clean and sanitary conditions.
- 1) Cribs, beds and cots shall be wiped clean as often as necessary. Cribs shall be cleaned twice per week and then sanitized with a germicidal solution. Cots shall be cleaned once per week with a germicidal solution.
- 2) All cribs, beds or cots shall be thoroughly cleaned and then sanitized with a germicidal solution when a child is no longer enrolled prior to use by another child.
- 3) At no time shall two children be allowed to share the same crib, bed or cot unless it is thoroughly cleaned and then sanitized with a germicidal solution before each child's use.
- e) Freshly laundered sheets and blankets shall be provided and changed at least twice per week for infants and toddlers and at least once per week for preschool children, or more frequently if wet or soiled.
- f) Bed linens shall be tightly fitting and washable.
- g) Waterproof mattress covers or under sheets for cribs, beds or cots shall be provided for all children who are enuretic.
- h) Conveniently located, washable, plastic-lined, covered receptacles shall be provided for soiled bed linens.
- i) To avoid sudden infant death syndrome, children who cannot turn over alone shall be placed on their sides or backs when put down to sleep unless contraindicated by a physician. Placing children on their abdomens for any reason shall be avoided, unless specifically instructed by the child's physician to do so.
- j) Staffing during nap times shall be in accordance with Section 407.190(e). When non-sleeping children are allowed to get up, staffing shall be in accordance with Section 407.190(d).
- k) When children are sleeping or napping, the room shall have reduced light but shall not be dark.

(Source: Added at 22 Ill. Reg. 1720, effective JAN 01 1998)

## Section 407.360 Medications

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- a) The day care center shall maintain a written policy regarding medications.
- b) Both prescription and non-prescription medication shall be accepted only in its original container.
- 1) Prescription medications shall be labeled with the full pharmacy label.
- 2) Over-the-counter (non-prescription) medication shall be clearly labeled with the child's first and last name. The container shall be in such condition that the name of the medication and the directions for use are clearly readable.
- c) Medication shall be administered in a manner that protects the safety of the child.
- 1) A specific staff person shall be designated to administer and properly document the dispensation of the medication each day.
- 2) Prescription medication shall be administered as required by a physician subject to the receipt of appropriate releases from parents, which shall be on file and regularly updated.
- Prescription medication shall be used only for the child named on the label.
- 3) Over-the-counter medications may be dispensed in accordance with manufacturer's instructions when provided by the parent with written permission.
- 4) The day care center shall maintain a record of the dates, times administered, dosages, prescription number, if applicable, and the name of the person administering the medication.
- d) Medication shall be safely stored.
- 1) Medication containers shall have child-protection caps whenever possible.
- 2) All medication, whether refrigerated or unrefrigerated, shall be kept in locked cabinets or other containers that are inaccessible to children and that are designated and used only for this purpose.
- 3) Medications shall be kept in a well-lighted area.
- 4) Medications shall not be kept out of the reach of children.
- 5) Medication shall not be kept in rooms where food is prepared or stored, unless refrigerated in a separate locked container.
- e) Medication shall not be used beyond the date of expiration.
- f) When a child no longer needs to receive medication, the unused portion or empty bottle shall be returned to the parent.
- g) Any topical products, such as diaper ointment, sunscreen or insect repellent, whether supplied by the parent or by the child care center, shall be approved by the parent in writing prior to use on the child.

(Source: Added 22 111. Reg. 111.1)

JAN 1 1958

SUBPART H: FACILITY AND EQUIPMENT

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## Section 407.370 Physical Plant/Indoor Space

- a) Buildings used for day care center programs must comply with all applicable fire safety standards.
- 1) The building housing a center shall be approved prior to occupancy and license renewal by the Illinois Department of Public Health and the Office of the State Fire Marshal or local agencies authorized by those State agencies to conduct inspections on their behalf. Otherwise, inspection and approval shall be in accordance with the regulations of the proper health and fire authorities.
- 2) Day care centers that provide day care only for school-age children in a building currently being used as a pre-primary, primary, or secondary school do not need to obtain the fire clearance in subsection (a)(1) above if the day care center provides written documentation that a fire safety clearance has been received from the responsible party of the Illinois State Board of Education and/or the Regional School Superintendent and that all exit doors for the school remain unlocked. An acceptable fire safety clearance from the Illinois State Board of Education must be in writing and must indicate that the school complies with the applicable fire safety regulations adopted by the Illinois State Board of Education (23 Ill. Adm. Code 180).
- b) The building or portion of the building to which children from the center have access shall be used only for a program of child care and shall not be shared by other groups or persons outside of the hours of operation.
- c) Infants and toddlers shall be housed and cared for at around level unless otherwise approved through the excitation process below. Travel distance between any point in a room used for infants and toddlers and an exit discharging directly outside shall not exceed 150 feet. Only a fire inspector from the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Bureau may grant an exemption to the requirement that infants and toddlers be housed and cared for at around level.
- d) There shall be sufficient indoor space to conduct the program.
- 1) There shall be a minimum of 35 square feet of activity area per child in centers for children two years of age and older. This space is exclusive of exit passages and fire escapes, which must be clear. This space is also exclusive of administrative space, storage areas, bathrooms, kitchen space required for equipment that is not used for direct activities with children, and gymnasiums or other areas used exclusively for large muscle activity or active sports.
- 2) The amount of space required for infants and toddlers shall be determined according to the use of the space for sleep and play purposes.

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- A) Regardless of whether infants play and sleep in the same room or in two separate rooms, there shall be a minimum of 25 square feet of play space per child plus a minimum of 30 square feet of sleeping space per child, with at least two feet between each crib and the next crib.
- B) When toddlers play and sleep in the same room using cots which can be stacked, there shall be 35 square feet of space per child. When children are in their cots, there must be a minimum of two feet between the cots.
- C) When toddlers play and sleep in the same room using cribs, there shall be a minimum of 55 square feet per child. When children are in their cribs, there must be a minimum of two feet between the cribs.
- D) When toddlers play and sleep in separate rooms, there shall be minimum of 35 square feet of play space per child and a minimum of 30 square feet of sleeping space per child, with at least two feet between each cot or crib.
- 3) Storage space shall be provided for cots, bedding, and other equipment.
- 4) One room, no matter how large, shall accommodate only one group, except that room dividers or program equipment at least 3'6" in height may be used to define and separate the space for each group of children up to age five. Gymsnasiums and similar sized areas may accommodate two groups, without dividers, when used for large muscle activity and active sports.
- 5) All rooms or spaces accommodating more than one group shall be provided with an acoustical ceiling or its equivalent in carpeting or wall covering. If carpeting is used to control noise, it shall not be carpeted in water play, painting, and similar areas.
- 6) Indoor space shall provide a safer, comfortable environment for the child.
- 1) Adjustable window shades, drapes, or blinds shall be provided in all rooms where children rest, nap or in rooms that receive direct sunlight while children are present.
- 2) The floors and floor coverings shall be washable and free from drafts, splinters, and dampness.
- 3) Toxic or lead paints or finishes shall not be used on walls, window sills, beds, toys or any other equipment, materials or furnishings which may be used by children or within their reach. Peeling or damaged paint or plaster shall be repaired promptly to protect children from possible hazards.
- 4) Any thermal hazards (radiators, hot water pipes, steam pipes, heaters) in the space occupied by children shall be out of the reach of children or be separated from the space by partitions, screens, or other means.
- 5) Sharp scissors, plastic bags, knives, ciarettes, matches, lighters, flammable liquids, drugs, sharp instruments, power

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- tools, cleaning supplies and any other such items which might be harmful to children shall be kept in areas inaccessible to children. Hazardous items for infants and toddlers also include coins, balloons, safety pins, marbles, Styrofoam and similar products, and sponge, rubber or soft plastic toys.
- 6) All cleaning compounds, pesticides, fertilizers and other potentially hazardous or explosive compounds or agents shall be stored in original containers with legible labels in a locked area which is inaccessible to children.
- 7) A draft-free temperature of 65° F to 75° F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68° F to 82° F shall be maintained during the summer or air-conditioning months. When the temperature in the center exceeds 78° F, measures shall be taken to cool the children. Temperatures shall be measured at least three feet above the floor.
- 8) If electric fans are used to control temperature, measures shall be taken to assure the safety of the children in the group:
  - A) Stationary fans shall be mounted on the walls (at least five feet above the floor) or on the ceiling.
  - B) When portable fans on stands are used, they shall be anchored to prevent tipping.
  - C) All portable fans shall have blade guard openings of less than 1/2 inch and shall be inaccessible to children.
- 9) Exits shall be kept unlocked and clear of equipment and debris at all times.
- 10) Electrical outlets within the reach of children shall be covered.
- 11) The program shall be modified, as needed, when there are adverse conditions caused by weather, heating or cooling difficulties or other problems. When such conditions exceed a 24-hour period, the Department shall be notified regarding program modifications.
- 6) Drills for possible emergency situations including fire and tornado shall be conducted.
- 1) A floor plan shall be posted in every room indicating the following:
  - A) Thorough building areas that will provide the most structural stability in case of tornado and
  - B) The primary and secondary exit routes in case of fire.
- 2) Drills shall be conducted once a month for fire, and twice a year (seasonally) for tornado.
- 3) Records shall be maintained of the dates and times that fire and tornado drills are conducted.
- 9) All areas of the center shall receive sufficient light:
  - 1) Areas for reading, painting, puzzles or other close work shall be illuminated at least 50 to 100 foot candles on the work surface.
  - 2) Areas for general play, such as housekeeping and block building, shall be illuminated at least 30 to 50 foot candles on the



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- surface.
- 3) Stairways, walkways, landings, driveways and entrances shall be illuminated to at least 20 foot candles on the surface.
  - b) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of a public water supply, the center shall supply written records of current test results indicating that the water supply is safe for drinking in accordance with the standards specified for non-community water supplies in the Drinking Water Systems Code (77 Ill. Adm. Code 900). New test results must be provided prior to relicensing. If nitrate content exceeds ten parts per million, bottled water must be used for infants.
  - 4) There shall be no smoking or use of tobacco products in any form in the building, except in the designated smoking area. Children while on the premises shall be supervised in other activities away from the center.
  - 5) Major cleaning shall not be done while children are present.
  - 6) Basement or cellar windows used or intended to be used for ventilation, and all other openings to a basement or cellar, shall not permit the entry of rodents.
  - 7) Openings to the outside shall be protected against the entrance of flies or other flying insects by doors, windows, screens, or other approved means.
  - 8) Any extensive extermination of pest or rodents shall be conducted by a licensed pest control operator under the direct observation of a staff member to insure that residue is not left in areas accessible to children.
  - 9) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present in the facility. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained at the facility.
  - 10) All garbage and refuse shall be collected daily and stored in a manner that will not permit the transmission of disease, create a nuisance or a fire hazard or provide harborage for insects, rodents or other pests.
  - 11) An adequate number of covered, durable, water-tight, insect and rodent-proof garbage and refuse containers shall be provided for use.
  - 12) Garbage and refuse containers used to discard diapering supplies, soiled products or disposable meal service supplies shall be promptly covered and lined with plastic. Contents shall be covered separately and discarded.
  - 13) The center shall be cleaned daily and kept in a sanitary condition at all times.
  - 14) The center shall provide necessary cleaning and maintenance equipment.

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- 2) Toys, table tops, furniture and other similar equipment used by children shall be washed and disinfected when soiled or contaminated with matter such as food, body secretions or excrement.
- 3) Cleaning equipment, cleaning agents, aerosol cans and other hazardous chemical substances shall be labeled and stored in a place designated solely for this purpose. These materials shall be stored in a locked place which is inaccessible to children.
- 4) Kitchen sinks used for food preparation shall not be used as hand-washing lavatories nor counted in the total number of hand-washing lavatories required.
- 5) There shall be means for communication in emergencies.
- 6) An operator means telephone shall be on the premises, easily accessible for use in an emergency and for other communications.
- 7) A list of or use in an emergency and for other communications. A list of or use in an emergency and for other communications. A list of or use in an emergency and for other communications.
- 8) A list of or use in an emergency and for other communications. A list of or use in an emergency and for other communications. A list of or use in an emergency and for other communications.
- 9) In facilities where communication between groups is difficult due to the design of the day care center, operation in multiple buildings on the same site or on multiple floors, an intercom or a written plan for other effective means of communication between groups shall be provided.
- 10) During hours of operation and at all times that children are present, there shall be a means for parents of enrolled children to have direct telephone contact with a center staff person.

(Source: Added at 21 Ill. Reg. 100, effective JAN 01 1968)

## Section 407.380 Equipment and Materials

- a) Equipment and materials for both indoor and outdoor use shall be appropriate to the age and developmental needs of the children served.
- b) Such equipment and materials for infants, toddlers and pre-school children shall be provided in the quantity and variety specified in Appendix A: Equipment for Infants and Toddlers, Appendix B: Equipment for Preschool Children and Appendix C: Equipment for School-Age Children.
- c) The day care center shall have a method to communicate with persons who are hearing impaired such as a telecommunication device for the deaf (TDD) or the Illinois Relay Center (see Appendix F). Furniture and equipment shall be adapted, when necessary, for individual children's use.
- d) Play materials shall be durable and free from hazardous materials, including sharp or rough edges and toxic substances, which infants, toddlers, pre-school and school-age children shall be no objects that are less than 1 1/4 inches in diameter or that have



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removable parts of this size.

- g) Durable, safe and appropriately sized furnishings and equipment shall be provided, including:
  - 1) Chairs and benches of appropriate size for each age group served.
  - 2) Mats and benches upholstered in washable material.
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  - 100) Mats and benches upholstered in washable material.
- h) Extension cords meeting Underwriters Laboratories or equivalent standards may be used provided that they are inaccessible to children and do not present any safety hazard.
- i) Poisonous or potentially harmful plants shall be inaccessible to children.
- j) First-aid kits shall be maintained and readily available for use.
  - 1) Centers with a capacity of fewer than 100 children shall maintain at least two first-aid kits, a kit for on-site use and a travel kit for use on outings. Centers with a capacity of 100 or more children shall maintain at least three first-aid kits.
  - 2) When a program operates in various parts of a building or on more than one floor, a separate first-aid kit shall be maintained in each area.
  - 3) Each first-aid kit shall be stored in a closed container which is clearly labeled "first-aid supplies" and stored in a place that is accessible to child care staff at all times but out of the reach of children.
  - 4) The on-site first-aid kits shall contain the following supplies, at minimum:
    - a) Disposable latex gloves;

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- B) Scissors;
  - C) Tweezers;
  - D) Thermometer;
  - E) Bandages;
  - F) Sterile gauze pads;
  - G) Triangular roller gauze;
  - H) Triangular bandage;
  - I) Safety pins;
  - J) Eye dressing;
  - K) Pen/pencil and note pad;
  - L) Cold pack;
  - M) Adhesive bandages; and
  - N) Current American Academy of Pediatrics or American Red Cross standard first-aid text or an equivalent first-aid guide.
- 5) The travel first-aid kits for use on outings shall contain the above supplies (a first-aid chart may replace the required text) plus the following additional items:
    - A) Water;
    - B) Soap;
    - C) Antiseptic cream or solution;
    - D) Telephone number of the child care center (preferably on a laminated card); and
    - E) Coins for use in a pay phone.
  - 6) First-aid kits shall be restocked after use, and an inventory shall be taken at least annually and recorded.
  - 7) In addition to the full first-aid kit maintained at the center, each individual classroom shall stock a supply of latex gloves and adhesive bandages and restock these supplies as needed.
  - 8) The telephone number for Poison Control shall be posted at each day care centers are not required to have a portable fire extinguisher. However, if the day care center installs a portable fire extinguisher of its own volition, the extinguisher must be installed, tested, maintained, and tagged by businesses licensed by the Office of the State Fire Marshal under the Fire Equipment Distributor and Employee Regulation Act (225 ILCS 215) and 41 Ill. Adm. Code 230, Fire Equipment Distributor and Employee Standards.
- (Source: Added at 22 Ill. Reg. 17.00, effective JAN 01 1998)
- Section 407.390 Outdoor Play Area
- a) An outdoor play area shall be provided unless the program operates less than three hours per day in accordance with Section 407.200(d)(3) or a waiver has been granted by the Department in accordance with subsection (d) of this Section.
  - b) The requirements for outdoor play areas shall be met immediately.

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except for equipment and protective surfaces installed by the center before the effective date of this Part, and shall fully comply with this Part no later than 36 months after the effective date. Fences around play areas which are newly installed or replaced after the effective date of this Part must comply with the requirements of this Section.

c) The outdoor play area shall accommodate 25 percent of the licensed capacity at any one time, but shall be no less than 1,500 square feet of useable activity/play space.

d) There shall be a minimum of 75 square feet of safe outdoor area per child for the total number of children using the area at any one time. Children under the age of 24 months shall not use a common outdoor play area at the same time as children ages three or older.

e) Play space shall be in a well-drained area.

f) All play space shall be enclosed or otherwise enclosed or protected from traffic and other hazards. Fences shall be at least 48 inches in height. Fences installed or replaced after January 17, 1993, shall be constructed in such a way that children cannot exit without adult supervision. Corral-type fences and fences with chicken wire shall not be used. Play areas for children under two years of age shall be enclosed so that the bottom edge is no more than 3 1/2 inches above the ground and openings in the fence are no greater than 3 1/2 inches.

g) The outdoor play area shall be adequately protected from traffic, water hazards, electrical transformers, toxic gases and fumes, railway tracks and animal hazards.

h) The outdoor play area shall be arranged so that all areas are visible to staff at all times.

i) Protective surfaces wood mulch, bark mulch, sand, gravel, rubber mats, etc.) shall be provided in areas where climbing, sliding, swinging or other equipment from which a child might fall is located. The protective surface shall extend at least six feet beyond the perimeter of the equipment, except for swings.

A) For single-axis (traditional) swings, the protective surface shall extend both forward and backward a distance of at least two times the height measured from the supporting bar.

B) For tire swings which rotate, the protective surface shall extend six feet beyond the farthest reach of the tire in all directions.

2) The protective surface shall have a Critical Height value of at least the height of the highest accessible part of the equipment, unless rubber mats are used which have been manufactured specifically for this purpose and which comply with the requirements established by the Consumer Products Safety Commission or the American Society for Testing Materials. See Appendix A for Critical Height values.

3) The protective surface shall be properly drained to prevent the growth of molds and bacteria.

4) When resilient materials become packed, they shall be raked and/or turned to restore resilience.

5) A surface shall be provided that is suitable for children's wheeled vehicles and pull toys.

k) There shall be a shaded area in the summer to protect children from excessive sun exposure. Equipment with smooth metal surfaces, such as slides, shall be in an area that is shaded during the summer or shall be placed in a north/south alignment. Equipment permanently affixed on January 17, 1993 shall be accepted if otherwise determined safe. Procedures shall be in place to prevent children from being burned if the metal surface is too hot.

l) Play areas and play equipment shall be maintained in a safe, clean and sanitary manner.

1) The equipment in the outdoor play area shall be of safe design and in good repair.

2) The equipment shall be free of sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous materials, glass, broken glass, lead-based paint or other poisonous materials, shingles, rungs and other connecting and linking devices used on playground equipment shall be designed and secured to prevent loosening or unstapling.

3) Outdoor equipment shall be situated to avoid collisions and accidents while still permitting freedom of action by the children.

4) Supports for climbing apparatus and large equipment shall be securely fastened to the ground.

5) Access to play equipment shall be limited to age groups for which the equipment is developmentally appropriate according to the manufacturer's instructions.

6) Swings, if used, shall have seats of rubber or impact-absorbing material and design. Wood or metal seats shall not be used.

7) Crawl spaces, such as tunnels, shall be short and wide enough to permit access by adults.

8) All pieces of playground equipment used by children five years of age and younger shall be designed to guard against entrapment or situations that may cause strangulation.

A) Openings in exercise rings shall be smaller than 4 1/2 inches or larger than nine inches in diameter.

B) There shall be no openings in a play structure with a dimension between 3 1/2 inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.

C) Distances between vertical slats or poles, where used, must be 3 1/2 inches or less (to prevent head entrapment).

D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.

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E) No opening shall be between 3/8 inch and one inch in size (to prevent finger entrapment).

10) Sandboxes, if smaller than 100 square feet, shall be covered when not in use. Larger sand play areas shall be covered if there shall be a written plan for the daily raking and cleaning of animal fecal matter, if present.

11) Areas for sand play shall be distinct from the landing areas surrounding slides and other equipment.

12) The center director or designee shall inspect the playground daily before children go out to play to ensure there are no hazards present. Prior approval of the Department is required when play space not connected with the center is used to meet the requirements of subsections (a) through (l) of this Section in lieu of the center's own play space. Proposed use of a nearby park, school yard or other alternative shall be considered on a case-by-case basis in consultation with local health and safety officials, with consideration given to the following criteria:

- 1) Location;
- 2) Accessibility to children and staff by foot or the availability of push carts or other means of transporting infants and toddlers;
- 3) Age(s) of the children in the group(s);
- 4) Availability of appropriate equipment;
- 5) Traffic patterns of vehicles and people in the area;
- 6) Condition of the park in areas related to safety;
- 7) Usage of the park by other groups when the children would be most likely to use it;
- 8) Compliance with the requirements of subsections (a) through (m) of this Section.

9) If an area not connected with the center is used for play or recreation, the children shall be closely supervised both during play and while traveling to and from the area.

10) Roof-top playgrounds are permissible only if the playground is completely surrounded by a non-climbable fence at least eight feet in height which has no openings of any kind, a structural clearance for the use of the roof as a play area has been obtained, and the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Bureau has approved in writing the use of the roof as a playground.

11) The center may grant a waiver of the outdoor play area requirement under the following conditions:

- 1) The facility is located in an urban area where suitable, safe outdoor space is not available;
- 2) The facility has an indoor activity room that provides 75 square feet per child for at least 25% of the licensed capacity of the facility and is used for gross motor play in lieu of outdoor space; and
- 3) Parents are given notification of this waiver in writing upon

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enrollment of their children.

(Source: Added 22 Ill. Reg. 1998 effective JAN 01 1998)

## SUBPART I: SEVERABILITY OF THIS PART

## Section 407.400 Severability of This Part

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Renumbered from Section 407.35 at 22 Ill. Reg. 1998 effective JAN 01 1998)



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Section 407. APPENDIX A Equipment for Infants and Toddlers Meat-Pattern-Chair  
for Children 0-to-12-Months-of-AgeMINIMUM EQUIPMENT AND SUPPLIES:  
INFANT AND TODDLER PROGRAMS

(For every group of 12 infants and 15 toddlers)

This list of minimum equipment and supplies and their arrangement is not intended to define nor limit any program's philosophical approach. A minimum quantity and variety of materials is required to stimulate the development of each group of infants and toddlers. This list takes into account the following characteristics of infants and toddlers:

short attention span;  
this task needs for active and quiet play over a short time period;  
need to learn through concrete activities; and  
inability to share.

Unless otherwise noted, all items on this list shall be available to the children at all times when they are active and awake.

## FURNISHINGS

## INFANTS

1) Seating appropriate for the children's developmental abilities; safe, sturdy, with backs (and sides/arms as appropriate)

2) One crib with mattress, sheet, and blanket per infant

3) Adult-sized chairs with backs for staff, including at least one rocking chair; No folding chairs are permitted

4) Low, open shelves and bookcases (one foot of shelving per child)

5) Space and equipment for maintaining children's records

## TODDLERS

1) Same

2) Stackable cots with sheet and blanket may be used for napping

3) Same

4) Same

5) Same

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## 6) Individual space for outer clothing

6) Same

7) Infant seats

7) Not required

8) Bathing tub

8) Same

9) Diaper-changing table with a non-porous, non-absorbent surface, and an accessible hand-washing sink

9) Same

10) Separate tightly covered, washable receptacles and disposable plastic liners for disposable diapers; cloth diapers and soiled clothes/linen

10) Same

11) Area rug or carpeting

11) Same

12) Portable water as needed (must be tested and certified by Juvenile Products Manufacturers' Association)

12) Same

13) Refrigerator

13) Not required

14) Container for isolating, cleaning and disinfecting toys that have been in children's mouths

14) Same

15) Safety mirrors placed where children can observe themselves

15) Same

## LARGE MUSCIE - INDOORS

1) Safe (soft, no hard edges), large materials for stacking, such as blocks-at least 20

1) Safe, durable large building pieces or blocks, 20 per group of ten or fewer children, plus three per child for each additional child above the group of ten children



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- 2) One piece of durable, large-muscle equipment for every 3 children, such as teeter-tottles, rocking boat, indoor gym, swing tunnel, climber

3) Variety of large balls

4) Water-play equipment

5) Pull toys

ART AND MUSICINFANTS

- 1) Audio equipment such as phonograph, cassette or compact disk player with at least six LP records, cassettes, or compact disks

2) Not required

FINE MOTORINFANTS

- 1) Two toys per child that are responsive to children's actions for selection and manipulative activity, such as busy board, small balls, snap-together beads, nesting bowls, shape sorters, squeeze toys that squeak, mobiles, plastic clutch toys, shape toys, teething toys, rattles

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 2) None
- 2) One manipulative toy per child, such as puzzles, pegs and pegboards, bead and string sets, nesting blocks, shape sorters

LANGUAGE DEVELOPMENTINFANTS

- 1) Two durable books (cardboard, vinyl, cloth) per child, with rounded edges and bright pictures of familiar objects

2) Pictures

- 3) Other visual/manipulative materials such as flannel boards, magnetic boards, etc.

TODDLERS

1) Same

2) Same

3) Same

SOCIAL/EXPRESSIVEINFANTS

Not required

TODDLERS

- 1) At least two sets of equipment plus accessories for dramatic/pretend play for each group of five or fewer children; more than one of the same set may be included in the number provided; for example, two kitchen sets with accessories could be provided; each set should have adequate pieces for use by at least two children at once
- 2) Sets of equipment may include, but are not limited to, the following:

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Doll beds with dolls

Kitchen set (stove and/or sink and/or refrigerator and/or cupboard with pots, pans, dishes, etc.)

At least five transportation toys of any size with pretend road, buildings, etc.

Puppet stage with puppets

Sand or water table (dish pans are acceptable) with accessories such as spoons and buckets

Dress-up clothes hung on safe hooks or in wardrobe plus mirror

## MEAS-PATTERN-CHART FOR CHILDREN

## 0-12 MONTHS-OF-AGE

MEAS	Ages-0-4 Months	Ages-4-8 Months	Ages-8-12 Months
BREAKFAST			
Infant---Formula---(iron fortified)	4-6-ounces	6-0-ounces	6-0
ounces*			
Infant---Cereal---(iron fortified)	0	1-3-tablespoons	2-4
tablespoons			
SNACK-(Supplement)			
Infant---Formula---(iron fortified)	4-6-ounces	2-4-ounces	2-4
ounces*			
-or-full-strength-fruit	0	2-4-ounces	2-4-ounces
-or-whole-fluid-milk	----	0	2-4-ounces

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Enriched-or-whole-grain bread  
0-1/4-slice\*\* 0-1/4

or-----cracker-type product-(suitable-for infants)  
0-2  
crackers\*\*

## BREAKFAST-SUPPER

Infant---Formula---(iron fortified)  
4-6-ounces 6-0-ounces 6-0

Infant---Cereal---(iron fortified)  
1-2-tablespoons

-strained-fruit-and/or vegetable-(to-total)  
3-4 1-2

tablespoons  
Strained-meaty---fish  
0-1

poultry-or-egg yolk  
1-4  
tablespoons

-or-cheese  
0-1/2-ounce\*\* 1/2-2-ounces

-or-cottage-cheese  
cheese---food-----or  
cheese-spread  
0-1

or-----6-ounces-of-whole-milk-and-0-3-ounces-of-full-strength-fruit  
juice  
\*these-items-are-suggested-not-required---Parents-should-ask-their  
doctor-if-they-have-questions-about-what-their-baby-should-eat

(Source: Amended 22 Ill. Reg. 1730, effective  
JAN 01 1938)

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Section 407 APPENDIX B Equipment for Preschool Children **Meal-Pattern-Chart-for-Children-Over-One-Year-of-Age**

## MINIMUM EQUIPMENT AND SUPPLIES:

## PRESCHOOL PROGRAMS

This list of minimum equipment and supplies and their arrangement is not intended to define nor limit any program's philosophical approach. A minimum quantity and variety of materials is required to stimulate the development of preschool children. This list takes into account the following characteristics of preschool children:

short attention span;  
needs for active and quiet play over a short time period; and  
need to learn through concrete activities.

Unless otherwise noted, the same item may fit into more than one category. For example, a particular cognitive game may be acceptable under the "Small Muscle" category or the "Cognitive" category. A center may choose which category to count an item under but may not count an item under more than one category.

Numbers of children refer to licensed capacity, not enrollment or attendance.

## FURNITURE

- 1) Tables and Chairs - Sufficient tables and chairs with backs for the children (one chair per child, no folding chairs), plus chairs with backs for staff.
- 2) One cot per child for programs that operate at least five hours per day.
- 3) One cot with blanket (for ill child).
- 4) Shelving - Low open shelves and bookcases with one foot of shelving per child.
- 5) Personal Storage Space - Individual spaces for coats, boots and personal items.
- 6) Area rug or carpeting for each group, or individual carpet squares or cushions for each child to sit on.

## LARGE MUSCLE --- INDOORS

- 1) Building Blocks - 20 large, durable building blocks per each group of ten or fewer children.

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 2) Large-Muscle Equipment - 2 pieces of durable large-muscle equipment for every group of ten or fewer children: three pieces for groups of 11 to 20 children. Examples include a climber, rocking boat, tunnel, walking plank, riding toys.

## SMALL MUSCLE

- 1) Small Blocks - Small blocks, including blocks which fit or lock together, and other blocks which can be used for building. At least 100 pieces per group of ten or fewer children, plus 10 blocks per child for each child over ten children.
- 2) Manipulative Toys - One toy for every three children. Examples include pegboards with pegs, bead and string sets, nesting blocks.
- 3) Art Materials - A sufficient supply of art materials so that each child can participate daily, including: clay or other molding material; tempera paints with paint brushes and paper; finger paints (non-toxic) with paper; paper, paste, blunt scissors and crayons; collage materials; and stencils or smocks.
- 4) Easels - Two easels or one double easel for each group of 20 or fewer children.

- 5) Puzzles - One puzzle for every two children.

## SOCIAL/EXPRESSIVE/LANGUAGE DEVELOPMENT

- 1) Dramatic Play - At least six sets of equipment plus accessories usable for dramatic/pretend play for a group of ten or fewer children. At least nine sets for a group of 11 to 20 children. More than one of the same set may be included in the number provided. Each set should have adequate pieces for use by at least three children at once. Some examples of sets are:

Doll bed with dolls

Kitchen sets (stove and/or sink and/or refrigerator and/or cupboard) with pots, pans, dishes, etc.

At least five transportation toys of any size, with pretend road, buildings, etc. (May be blocks)

Puppet stage with puppets

Sand or water table (dish pans are acceptable) with accessories (scoops, buckets, etc.)

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Dress-up clothes hung on safe hooks or in a wardrobe, mirror, etc.

## 2) Music Items

Rhythm band or other group of instruments to be played by children (one instrument for every two children).

One record player, cassette player or compact disc player per group, with at least ten records, cassettes or compact disks.

3) Flannel Board/Velcro Board - One board per group, with accessories.

4) Language Development Pictures.

## COGNITIVE DEVELOPMENT

1) Science Items - Five science items, such as magnets, magnifying glasses, pets, plants, etc., per group of 10 or fewer children, plus one for every two children in groups larger than ten.

2) Books - At least 20 books per group of ten or fewer children, plus two books per child for groups larger than ten. All books need not be displayed at all times; child care staff may rotate books on display.

3) Cognitive Games - Five cognitive games to teach number concepts, letter, shape size and color concepts per group of ten or fewer children. Plus one game for every two children in groups larger than ten.

## LARGE MUSCLE -- OUTDOORS

In the following chart, the numbers of children refer to 1/4 of the center's licensed capacity OR the number of children who use the playground at any one time, whichever is greater. Playgrounds are required to accommodate at least 1/4 of the center's licensed capacity. However, some playgrounds are big enough to accommodate more than 1/4 of the licensed capacity. A center licensed for 40 children with a playground that can accommodate ten children would need enough equipment for ten children, while a center licensed for 40 children with a large playground that all 40 children use at once would need adequate equipment for 40 children.

LARGE EQUIPMENT	MEDIUM EQUIPMENT	SMALL EQUIPMENT
Two items from this column for every 20 or fewer children	One item from this column for every ten or fewer children	One item from this column for every 7 or fewer children

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

climber\*  
slide  
sand box  
building blocks/  
pieces (set of  
40 large blocks)  
water play  
equipment (water  
trough, hose,  
sprinkler, etc.)

wheel toy  
(tricycle,  
wagon, etc.)  
balance beam  
tunnel  
rocking boat  
etc.

ball  
jumps rope  
hula hoop  
etc.

\*On a large climber with several sections, each section counts as one item.

EXAMPLE: A center with 37 children would require: four items from the large equipment column; four items from the medium equipment column; and six items from the small equipment column.

NOTE: Indoor large muscle equipment may also be counted as outdoor equipment if it is available outdoors when the children are outdoors.

Programs which operate for three hours per day or less and provide outdoor play, programs which carry equipment to a remote outdoor play area and programs with playgrounds serving fewer than 20 children may substitute for the large equipment as follows: one medium equipment item for every three children, plus one small equipment item for every seven children OR one small equipment item for each child.

MEALS-DAYTIME CHART-FOUR-CHILDREN  
OVER ONE YEAR-OP AGE

	BREAKFAST			LUNCH/SUPPER		
	1-to-3	3-to-6	6-to-12	1-to-3	3-to-6	6-and older
MILK						
Milk, fluid	1/2 cup	3/4 cup	1 cup	1/2 cup	3/4 cup	1 cup
VEGETABLES AND-PRODUCE						
Vegetables(s)	1/4 cup	1/2 cup	1/2 cup	1/4 cup	1/2 cup	3/4 cup
--or--						
Fruit-strength vegetable-or-fruit juice-----or-----an						





## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 407. APPENDIX C Equipment for School-Age Children Minimum-Equipment-and Supplies-----Preschool-Programs

## MINIMUM EQUIPMENT AND SUPPLIES:

## SCHOOL-AGE PROGRAMS

The quantities of equipment and supplies for school-age programs may be defined in three possible ways:

- 1) The proportion for the total program size, as defined by the maximum daily attendance of the entire school-age program.
- 2) The proportion required for each "functional group", defined as the maximum group size allowed in a defined space that can offer a certain activity.

Example 1: If a school-age child care program had 60 participants in three self-contained rooms, each containing 20 children and one or more staff, and the lead staff member in each room independently did program planning, the program would contain three functional groups.

Example 2: A program with 60 participants divided into groups of 20 with a carefully planned curriculum based on rotating each group through specially equipped, limited-purpose rooms would have a functional group size of 20 to 60, depending on how many rooms would potentially have children utilizing a certain function simultaneously.

If Arts and Crafts could be done in only one of the rooms, which held a maximum of 20 children, the functional group size for Arts and Crafts would be 20.

If Dramatic/Creative Play could occur simultaneously with a group of 20 in the gym and another group of 20 in a different room, the functional group size for Dramatic/Creative Play would be 40.

If Fine Motor Activities were potentially available in all three rooms, the functional group size for Fine Motor Activities would be 60.

- 3) The absolute number of items required regardless of program size or type of scheduling/space utilization.

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## CATEGORY: Furniture

<u>TYPE</u>	<u>Quantity Per Functional Group</u>	<u>Quantity Per Program</u>
1) Seating at tables (type of seating to be based on the type of program).	one per child and staff	*
2) Individual spaces for outer clothing and children's belongings.	one per child	
3) If children must sit on the floor, an area rug, mats, carpet squares or carpeting is required.	one cushioned area per child and staff	
4) Looming area with cushioning (floor pillows, sofa, mats, bean bag chairs). May be a mobile and/or expandable area.	space in area for 20% of the children	One for each child requiring bags
5) Equipment for individual children who need mats. May include exercise mats or cots. Area may be designated as a looming area if non-sleeping children use that area.		

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## CATEGORY: Active Large-Muscle Equipment -- Outdoor

<u>TYPE</u>	<u>Quantity</u> <u>Per</u> <u>Functional</u> <u>Group</u>
-------------	--

1) Sports and large-muscle development equipment.

Sports equipment may include:  
 baseball/softball,  
 jump rope, soft foam  
 football, volleyball,  
 badminton, Frisbee,  
 four-square, shuffle  
 board, tug-of-war  
 rope, scoops/balls,  
 parachute, logs,  
 basketball, soccer  
 ball, n-ball, croquet,  
 hockey, hula hoop,  
 roller skates, non-  
 steel belted tires  
 punctured to drain  
 water.

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## CATEGORY: Active Large-Muscle Equipment -- Indoor

<u>TYPE</u>	<u>Quantity</u> <u>Per</u> <u>Functional</u> <u>Group</u>	<u>Quantity</u> <u>Per</u> <u>Program</u>
-------------	--	---

1) Sufficient equipment for the sport, number of children and length of program day. Indoor sports equipment may include the items listed under outdoor equipment, plus beach, ping pong and soft foam balls.

four per group of 20 children,  
 one for every five children over the group of 20

one piece for every additional 23% of children not included in functional group calculation

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## CATEGORY: Arts and Crafts

TYPE	Quantity Per Functional Group	Quantity Per Program
------	-------------------------------	----------------------

- |   |   |  |
|---|---|--|
| 1) Scissors/paint-brushes (age-appropriate) | one per child up to ten children; one per three additional children in the functional group |  |
|---|---|--|

- |  |   |  |
|--|---|--|
| 2) Expendable art supplies for simple arts and crafts (construction paper, construction, computer, chalk, charcoal); drawing or doodling paper; paints, easel; crayons, markers, colored pencils; tape, paste, glue; collage materials; finger paints. | A sufficient supply of art materials so that each child can participate daily |  |
|--|---|--|

3) Extended arts and crafts projects: sewing, knitting, woodworking, leather craft, model building, basket weaving, printing, calligraphy, jewelry-making, bead work, clay, weaving, lanwards, kite-making.		minimum of one project and sufficient materials and supplies for 100% of children age 8 and older
---	--	---

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## CATEGORY: Music

TYPE	Quantity Per Functional Group	Quantity Per Program
------	-------------------------------	----------------------

- |   |  |   |
|---|--|---|
| 1) Operable equipment to listen to, play or make music (e.g., recorder, compact disc player, cassette player, radio, rhythm or other instruments, VCR). |  | at least one  |
| 2) Records, cassettes, compact disks or music videos.   |  | ten from any categories for which the program has equipment |



## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## CATEGORY: Dramatic/Creative Play

TYPE	Quantity Per Functional Group
1) Dress-up clothing and accessories.	access to one set for 15% of the capacity
2) Props and sets (e.g., occupations, restaurant, cheerleading).	access to one set
3) Small, interlocking blocks and accessories (e.g., cars, figures, animals).	Minimum of a full gallon-size container per 20 children
4) Other blocks: one set of medium unit blocks (minimum of 60) and accessories OR one set of large shoe-box size or larger blocks (minimum of 40) OR large cardboard boxes suitable for building or creating structures.	Access to one set per 20 children

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## CATEGORY: Literacy Materials

TYPE	Quantity Per Functional Group	Quantity Per Program
1) Dictionary	one	sufficient materials from at least two of the categories so 25% of children may use them at any one time
2) Materials representing literacy activities: -Writing supplies (pens, pencils and/or markers, paper) -Reading materials for children to read themselves or for staff to read to/with children (books, magazines, comic books, cassette read-along books) -Games that include literacy (Scrabble, Hangman, Jeopardy) -Other media that improve literacy (cassette tapes and recorder, videotapes, film strips and VCR, projector, computer software with computer, flannel board with materials)	one	sufficient materials from at least two of the categories so 25% of children may use them at any one time

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## CATEGORY: Science and Math Materials

<u>TYPE</u>	<u>Quantity Per Functional Group</u>	<u>Quantity Per Program</u>
1) Science/math materials representing different activities, such as: plants and planting equipment; small animals (fish, ant farm, etc.); magnifying glass, microscope; rules, scales; clocks; pretend money; thermometers; rocks; water-pouring materials with accessories.		activities representing at least four different science items with sufficient quantities for 25% of children to be engaged at any one time

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## CATEGORY: Games and Puzzles

<u>TYPE</u>	<u>Quantity Per Functional Group</u>	<u>Quantity Per Program</u>
1) Items must be selected from the following categories (no one item may exceed 25% of the requirement): - Puzzles - Board games (such as, Candyland, Chutes & Ladders, Sorry, Connect Four, Younger Children and Junior Junior, and Backgammon, Monopoly, Clue, Chess, Yachtzee, for Older children and/or longer time periods) - Card games (Uno, Rummy, Fish, War)		sufficient quantities for 25% of children to be engaged at any one time

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

CATEGORY: Fine Motor ActivitiesTYPE

Quantity Per Functional Group
-------------------------------

- 1) Manipulative,  
including: small,  
interlocking blocks  
(minimum gallon-size  
container full)  
Tinker Toys, jacks,  
marbles, Pick-Up  
Sticks, dominoes,  
juggling equipment,  
erector sets, Bristle  
Blocks, Lincoln Logs.

Quantity Per Program
----------------------

sufficient  
quantities for  
25% of children  
to be engaged  
at any one  
time

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

MINIMUM-EQUIPMENT-AND-SUPPLIES  
PRESCHOOL-PROGRAMS  
PER-EVERY-20-CHILDREN

{Quantity-of-equipment-is-to-increase-in-proportion  
to-licensed-capacity-of-facility}

PERMIS  
LICENSE  
(additional-equipment  
and-supplies)

## Furniture:

1. Sufficient-tables-and-chairs-with-backs-for-children--(one-chair-per-----child-----no-folding-chairs)
2. One-cot--per--licensed-capacity
3. First-aid-kit
4. Cot--with-blanket--(for-all-child)
5. Chairs-with-backs--(for-staff)
6. Bow-open--shelves--and-bookcases--(one--foot-per-child)
7. Space/equipment---for-maintenance-----of-children's-records
8. Individual-spaces--for-outer-clothing
9. Area-rug-or-carpeting

- Active:-----large-muscle  
Play--(for-indoors)
1. Large--building-blocks--(may-be-of-non-durable-material)----at-least-24
  2. Two-pieces-of--durable-large-muscle-equipment-per--every-20-children  
such-as:  
-----climber  
-----locking-boat  
-----tug-boat  
-----tunnel-walking-plank  
-----wheel-toys
1. Durable-large-building-blocks-----at-least-40-per-every-20-children
2. Three-----pieces-----of-durable-----large-muscle-equipment-per-every-20-children

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## PERMIT

LICENSE  
(additional equipment  
and supplies)

Active-----large-muscle 1-Two-pieces-of-durable  
play-(for-outdoors)  
such-as  
---climber  
---slide  
---large-wheel-toys  
---spring-joy  
---water-play-materials  
---balls

## Art-and-music-activities

## 1-Phonograph

2-Records-----At-least

## 2-Records-----At-least

3-Double-cassets-----one  
for-each-15-children

## 3-One-double-cassette

4-Rhythm-band

## Dramatic-play

## 1-Small-blocks-----at

least-200-pieces

## 2-Three-small-durable

transportation-toys

## 3-One-spontaneous

dramatic-play-area

## with-at-least-two

pieces-of-permanent

## equipment

4-At-least-one

## pretend-area

full-length-mirror

## work-bench-(wood-work

and-tools)

## housekeeping

area-ery-----doll

## bed-stove-----sinky

refrigerator

## 4-A-board-etc

cupboard-etc

## dresses-dolls,

dishes-pots-and-pans-

## 1-Two-per-every

child

## Ponder-play

child

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## PERMIT

LICENSE  
(additional equipment  
and supplies)

2-Puzzles-----one-per  
every-four-children;  
3-Cognitive-games  
---one-per-every-four  
children-ery-number  
concepts-----letter  
concepts-----shape  
concepts-----size  
concepts-----color  
concepts

4-Science-items-ery  
magnety-----magnifying  
glass-pets-plants

## Expendable-supplies

1-Glue-or-playdough

2-Games-or-finger

prints-(non-toxic)-

3-Paper-(colored-and

white)

4-Paste-(non-toxic)-

5-Scraps-----collage

materials

6-Paint-brushes

7-Grays

8-Blunt-scissors

9-Aprons-smocks

1-Manipulative-toys

one-per-every-four

children-ery-pegs

and-pegboards-beads

and-----strings

interlocking-plastic

forms-----puzzles

nesting-blocks

2-Sand-or-water-play

equipment

1-Pictures

2-Bulletin-boards

3-Planner-board-and

financi-acts

1-Dishes-silverware

and-cups-if-meats-are

to-be-served



## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 1120, effective  
JAN 01 1988)

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Section 407. APPENDIX D Infant Daily Food Requirements Minimum--Equipment--and Supplies--Infant-and-Coddie-Programs

INFANT DAILY FOOD REQUIREMENTS

These feeding requirements are to be used as guidelines only. Food needs vary with each infant.

MEAL	Birth through 3	4 through 7	8 through 11 months
Breakfast	4-6 fl. oz. formula or breast milk	4-8 fl. oz. formula(1) or breast milk	6-8 fl. oz. formula(1) breast milk, or whole milk
		0-3 Tbsp. infant cereal (optional)	2-4 Tbsp. infant cereal(2)
			1-4 Tbsp. fruit and/or vegetable

Lunch or Supper	4-6 fl. oz. formula(1) or breast milk	4-8 fl. oz. formula(1) or breast milk	6-8 fl. oz. formula(1) breast milk, or whole milk
		0-3 Tbsp. infant cereal(2) (optional)	2-4 Tbsp. infant cereal(2) and/or 1-4 Tbsp. meat, fish eggs, or cooked dry beans or peas or 1/2-2 z. cheese or 1-4 oz. cottage cheese, cheese food, or cheese spread
			1-4 Tbsp. fruit and/or vegetable

Supplement	4-6 fl. oz. formula(1) or breast milk	4-6 fl. oz. formula(1) or breast milk	2-4 fl. oz. formula(1) or breast milk, whole milk or fruit juice(3)
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## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

0-1/2 bread(4) or  
0-2 crackers (Optional)

- (1) Shall be iron-fortified infant formula.
- (2) Shall be iron-fortified dry infant cereal.
- (3) Shall be full strength fruit juice
- (4) Shall be from whole grain or enriched meals or flour

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

MINIMUM-EQUIPMENT-AND-SUPPLIES  
INFANT-AND-TODDLER-PROGRAMS  
FOR-EVERY-20-INFANTS-AND-TODDLERS

{Quantity-of-equipment-is-to-increase-in-proportion  
to-licensed-capacity-of-facility}

## INFANT-PROGRAMS

## Furnishings:

- 1--Sufficient  
infant-sized---tables  
and-chairs-with-backs  
for-infants-able-to  
sit-alone--One-chair  
per-----infant;----no  
folding-chairs-
- 2--One-----crib-----with  
mattress-and-blanket  
per-----infant-----in  
attendance-

- 3--Ten-unit---first-aid  
kit-
- 4--Crib---with---mattress  
and-blanket---for---111  
infant-
- 5--Chairs---with---backs  
for---staff-
- 6--Lockers---shelves-and  
bookcases---(one-foot  
per-child)-
- 7--Space-and-equipment  
for---maintenance---of  
children's-records-
- 8--Adult-rockers-
- 9--Individual---space-for  
outer-clothing-
- 10--High-chairs-
- 11--Infant-seats-
- 12--Baby-----walkers  
(optional)-
- 13--Bathing-tub-
- 14--Changing-table---with  
changeable-covering-
- 15--Diaper---pail---with  
liners-

## TODDLER-PROGRAMS

- 1--Same-as-furniture-for  
preschool---programs  
plus-
- 2--Training-chairs-  
---(Stackable-cots  
---may be  
---substituted-for  
---napping-)

- 13--Bathing-tub-
- 14--Changing-table---with  
changeable-covering-
- 15--Diaper---pail---with  
liners-

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## INFANT-PROGRAMS

16--Area-----rug-----or  
carpeting;

17--Play-pens (optional);  
18--Gates-as-needed-for  
safety;

19--Refrigerator;  
20--Barge-building-blocks  
(may-----be-----of  
non-durable-material);

---at-least-20--  
21--Five-----pieces-----of  
durable-large-muscle  
equipment--for--every  
28--infants-such-as:

---Baby-bouncers  
---Barge-turning-balls  
---Body-wheels

---Hiding-stools  
22--Barge---open-plastic  
bait;

23--Water-play equipment  
24--Photograph

25--Records-----at-least  
two;

26--Marble-pull-toys  
27--Rattles  
28--Bum-----without  
stock;

29--Matching--and--feeling  
toys-----one-per-every  
two-children-such-as:

---plastic-clutch-toys  
---form-toys  
---rattles  
---pull-toys

30--Feeling-balls  
31--Manipulative-toys-----  
one---per-every-two  
children-such-as:

---teething-toys  
---wooden-rattles  
---shape-toys  
---clutch-balls

## FINE-MOTOR-DEVELOPMENT:

---SAME-----AS-----PRESCHOOL  
PROGRAMS:

## DEPARTMENT OF CHILDREN FAMILY SERVICES

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## INFANT-PROGRAMS

Language-Development;  
PROGRAMS:

1--Pictures;

2--Bulletin-boards;

3--Po-----each  
exib--bumpers--sheets  
(cottony-plus--rubber  
and/or-----plastic);

4--Blankets;

5--Bath-towels;

6--Wash-cloths;

7--Diapers;

8--Cover(s)-for-changing  
table;

9--Sterile-cotton-balls;

10--Pacai-tissues;

11--Soap;

12--Petroleum-jelly--or  
bland-----diaper-rash  
ointment;

13--Rubber-bulk-----ear  
syringe--with-----bunt  
plastic--or-----rubber  
tip;

14--Bottle-warmer;

## TODDLER-PROGRAMS

---SAME-AS-PRESCHOOL

---SAME-AS-PRESCHOOL  
PROGRAMS;

3--Wash-cloths;

4--Diapers;

5--Pacai-tissues;

6--Soap;

7--Petroleum-jelly--or  
bland-----diaper-rash  
ointment;

(Source: Amended at 22 Ill. Reg.  
JAN 01 1900)

1900, effective

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## NOTICE OF ADOPTED AMENDMENTS

Section 407. APPENDIX E Meal Patterns and Serving Sizes for Child Care Programs  
Licensed-or-Registered-ProfessionsMEAL PATTERNS AND SERVING SIZES  
FOR CHILD CARE PROGRAMS

MEAL	FOOD ITEMS	AGE (1-2 years)	AGE (3-5 years)	AGE (6-12 years)
Breakfast	Fluid Milk	1/2 cup	3/4 cup	1 cup
	Juice/fruit or vegetable	1/4 cup	1/2 cup	1/2 cup
	Grains/Breads	1/2 serving	1/2 serving	1 serving
Lunch/Dinner	Bread	1/2 slice or 0.5 oz.	1/2 slice or 0.5 oz.	1 slice
	Or cereal cold/dry	1/4 cup	1/3 cup or 0.5 oz.	3/4 cup or 1 oz.
	Or cereal hot/cooked	1/4 cup	1/4 cup	1/2 cup
	Or cooked pasta/noodles	1/4 cup	1/4 cup	1/2 cup
	Lean meat, fish or poultry	1 oz.	1 1/2 oz.	2 oz.
	Or cheese	1 oz.	1 1/2 oz.	2 oz.
	Or egg	1	1	1
	Or cooked dry beans and peas	1/4 cup	3/8 cup	1/2 cup
	Or peanut butter*	2 Tbsp.*	3 Tbsp.	4 Tbsp.
	Or yogurt	1/2 cup	3/4 cup	1 cup
	Fruits and/or vegetables	1/4 cup total	1/2 cup total	3/4 cup total
	(2 or more total)			

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Grains/Bread	1/2 serving	1/2 serving	1 serving
Bread	1/2 slice or 0.5 oz.	1/2 slice or 0.5 oz.	1 slice or 1 oz.
Or cooked pasta/noodles	1/4 cup	1/4 cup	1/2 cup
Fluid milk	1/2 cup	3/4 cup	1 cup
Fluid milk	1/2 cup	1/2 cup	1 cup
Grains/Breads	1/2 serving	1/2 serving	1 serving
Bread	1/2 slice or 0.5 oz.	1/2 slice or 0.5 oz.	1 slice
Or cereal cold/dry	1/4 cup	1/3 cup	3/4 cup
Or cereal hot/cooked	1/4 cup	1/4 cup	1/2 cup
Lean meat, poultry or fish	1/2 oz.	1/2 oz.	1 oz.
Or cheese	1/2 oz.	1/2 oz.	1 oz.
Or cooked dry beans	1/8 cup	1/8 cup	1/4 cup
Or peanuts, peanut butter, nuts or seeds	1 Tbsp.*	1 Tbsp.	2 Tbsp.
Juice/fruit or vegetable (full-strength juice)	1/2 cup	1/2 cup	3/4 cup

\* Shall not be served to children under two years of age. Spread thinly for children ages 2-3 years or mix with other foods.

\*\* Mid-morning or mid-afternoon supplement; select 2 of the 4 components.



## DEPARTMENT OF CHILDREN FAMILY SERVICES

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b628589-08-RB85VERB-PROFESSIONS

The following professions-cited-in this Part require license or registration in the State of Illinois:

- 1) --NURSE  
3484+)  
2) --PHYSICIAN  
4489+)  
3) --PHYSICIAN'S ASSISTANT  
4) --PHYSICIAN-THERAPIST  
5) --PSYCHOLOGIST  
6) --SOCIAL WORKER

(Source: Amended at 22 Ill. Reg. 17.28, effective JAN 01 1988)

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Section 407 APPENDIX F Resource Reference List

## Laws of the State of Illinois

- Abused and Neglected Child Reporting Act [325 ILCS 5]  
Child Care Act of 1969 [225 ILCS 10]  
Fire Equipment Distributor and Employee Regulation Act [225 ILCS 215]  
Food Handling Regulation Enforcement Act [410 ILCS 625]  
Furniture Fire Safety Act [420 ILCS 45]  
Illinois Child Control Act [130 ILCS 550]  
Illinois Child Labor Law [820 ILCS 205]  
Illinois Dental Practice Act [410 ILCS 25]  
Illinois School Code [105 ILCS 5]  
Illinois Vehicle Code [625 ILCS 5]

## Laws of the United States Government (federal)

- Americans with Disabilities Act (42 U.S.C. 12101)  
Fair Labor Standards Act (29 U.S.C. 214)

## Administrative Rules of the Illinois Department of Children and Family Services

- Licensure  
89 Ill. Adm. Code 377, Facilities and Programs Exempt from  
89 Ill. Adm. Code 385, Background Checks

## Administrative Rules of the Illinois Department of Public Health

- 77 Ill. Adm. Code 520, Treatment of Choking Victims  
77 Ill. Adm. Code 690, Control of Communicable Diseases Code  
77 Ill. Adm. Code 695, Immunization Code  
77 Ill. Adm. Code 750, Food Service Sanitation Code  
77 Ill. Adm. Code 820, Illinois Swimming Pool and Bathing Beach Code  
77 Ill. Adm. Code 845, Lead Poisoning Prevention Act  
77 Ill. Adm. Code 900, Drinking Water Systems Code

## Administrative Rules of the Office of the State Fire Marshal

- 41 Ill. Adm. Code 100, Fire Prevention and Safety  
41 Ill. Adm. Code 250, Fire Equipment Distributor and Employee Standards  
41 Ill. Adm. Code 300, Furniture Fire Safety Regulations

## Professionals Required to be Registered or Licensed and the Citation in the Illinois Compiled Statutes

- Clinical Social Worker - Clinical Social Work and Social Work Practice Act [225 ILCS 20]  
Fire Equipment Distributor - Fire Equipment Distributor and Employee Regulation Act [225 ILCS 215]  
Nurses - Illinois Nursing Act of 1987 [225 ILCS 65]

## DEPARTMENT OF CHILDREN FAMILY SERVICES

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Occupational Therapist - Illinois Occupational Therapy Practice Act [225 ILCS 75]

Pest Control Technicians - Structural Pest Control Act [225 ILCS 235]

Physical Therapist - Illinois Physical Therapy Act [225 ILCS 90]

Physicians - Medical Practice Act of 1987 [225 ILCS 60]

Physician's Assistants - Physician Assistant Practice Act of 1987 [225 ILCS 95]

Professional Counselor - Professional Counselor and Clinical Professional Counselor Act [225 ILCS 107]

Psychologists - Clinical Psychologist Licensing Act [225 ILCS 15]

ILLINOIS RELAY CENTER - Voice - 1-800-526-0857 TTY - 1-800-526-0844

Charges to access the center and standard phone charges will be added to the facility's telephone bill.

(Source: Added at 22 Ill. Reg. 1723, effective JAN 01 1998)

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 407 APPENDIX G Early Childhood Teacher Credentialing Programs

The Department will use the following criteria to review and approve early childhood teacher credentialing programs:

## Eligibility Requirements

1. Candidates must be at least 18 years of age.
2. Candidates must have at least a high school diploma or equivalency (GED).
3. The credentialing program must require a minimum of 640 clock hours of documented experience within the past five years working with children ages zero to six in a public or private school operated nursery school, kindergarten or licensed day care center.

## Credentialing Process:

The credentialing process must include:

1. The child care director's recommendation in support of the candidate.
2. A review of the applicant's interaction with children under direct supervision by an impartial person.
3. A minimum of 120 clock hours of broad based training which has been completed successfully and which has been documented. One semester hour of college credits in early childhood education is equivalent to 15 clock hours of formal in-service training. This training may be completed through:
  - A. Early childhood education courses at an accredited college or university, or
  - B. Documented seminars and workshops pertain to the growth and education of children zero to six years of age, at educational conferences of recognized National or State associations, agencies, or educational institutions.
4. Professional resource file or portfolio which demonstrates the understanding of professional content areas including, but not limited to the following:
  - A. Principles of child growth and development.
  - B. Planning a safe, healthy learning environment.
  - C. Advancing children's physical and intellectual development.
  - D. Supporting children's social and emotional development.
  - E. Establishing productive relationships among family, school, and community.
  - F. Managing an effective program operation.
  - G. Maintaining a commitment to professionalism.
  - H. Observing and recording children's behavior.
  - I. Understanding the development of children's language.

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5. An evaluation program which requires a professional review through observation and written assessment of:

- A. Competence in the core professional content areas;
- B. Interaction with children in the child care environment;
- C. Professional portfolio or file;
- D. Required training; and
- E. Verbal and written communication skills.

6. Observation and final assessment shall be done by an impartial committee or individual, not by the candidate's own director/employer.

7. A renewal of the credential shall be required at least every five years and shall require at least 20 additional clock hours of training. One semester hour of college is considered equivalent to 15 clock hours of formal in-service training.

8. All training shall be documented.

## APPROVED CREDENTIALS

Child Development Associate Credential  
Council for Early Childhood Professional Recognition  
2460 16th Street, NW  
Washington, DC 20009  
1-800-424-4310

Certified Childcare Professional  
National Child Care Association  
1016 Rossin Street  
Columbia, GA 30012  
1-800-543-7161

(Source: Added at 22 Ill. Reg. effective  
JAN 01 1998)

## Section 407.APPENDIX H Playground Surfacing &amp; Critical Height

Critical Height is a term used to describe the shock absorbing performance of a surfacing material and is used in this part as an approximation of the maximum fall height from which a life-threatening head injury would not be expected to occur.

The surfacing material used under and around a particular piece of playground equipment should have a Critical Height value of at least the height of the highest accessible part of the equipment.

Acceptable surfacing materials are available in two basic types, unitary or loose-fill.

Unitary materials are generally rubber mats or a combination of rubberlike materials held in place by a binder that may be poured in place at the playground site. Persons wishing to install a unitary material as a playground surface should request test data from the manufacturer that should identify the Critical Height of the desired material. Site requirements should also be obtained from the manufacturer because some unitary materials require installation over a hard surface, while for others this is not required.

Loose-fill materials can also have acceptable shock absorbing properties. These materials include, but are not confined to, sand, gravel and shredded wood products. Loose-fill materials should not be installed over hard surfaces such as asphalt or concrete.

Many vendors are unlikely to have information on the shock absorbing performance of loose-fill materials. For that reason the U.S. Consumer Product Safety Commission has conducted tests to determine the relative shock absorbing properties of loose-fill materials. These tests are used as surfaces under and around playground equipment. The table below identifies the Critical Heights of these materials when tested at various depths.

Critical Heights of Tested Materials

Material	6 inch uncompressed depth	9 inch uncompressed depth	12 inch uncompressed depth	9 inch compressed depth
Wood Mulch	7 feet	10 feet	11 feet	10 feet
Double Shredded Bark Mulch	6 feet	10 feet	11 feet	7 feet
Uniform Wood Chips	6 feet	7 feet	12 feet	6 feet
Fine Sand	5 feet	5 feet	9 feet	5 feet
Course Sand	5 feet	5 feet	6 feet	4 feet
Fine Gravel	6 feet	7 feet	10 feet	6 feet

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Medium Gravel 5 feet 5 feet 6 feet 5 feet

The above material was reproduced with permission from the Handbook for Public Playground Safety by the U.S. Consumer Product Safety Commission.

(Source: Added at 22 Ill. Reg. 1722, effective JAN 01 1998)

## ILLINOIS DEPARTMENT OF COMMERCE COMMUNITY AFFAIRS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: State Administration of the Federal Community Development Block Grant Program.
- 2) Code Citation: 47 Ill. Adm. Code 110
- 3) Section Numbers: Adopted Action:  
110.10 110.70 110.260 110.360 Amendments  
110.30 110.80 110.280 Amendments  
110.40 110.91 110.330 Amendments  
110.60 110.230 110.340 Amendments
- 4) Statutory Authority: Implementing Section 46.37 of the Civil Administrative Code of Illinois (20 ILCS 605/46.37) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (20 ILCS 605/46.42).
- 5) Effective Date of Amendments: January 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: May 7, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: May 23, 1997, 21 Ill. Reg. 6134
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Technical changes, indicated by the Joint Committee on Administrative Rules (JCAR), were made in the final version of the rulemaking.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this part? No
- 15) Summary and Purpose of Amendments: This rulemaking revises the program rules for the Community Development Assistance Program.
- 16) Information and questions regarding these adopted amendments shall be directed to:



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Mark Gauss  
 Department of Commerce and Community Affairs  
 Bureau of Community Development  
 620 East Adams Street, 5th Floor  
 Springfield, IL 62701  
 217/785-6193  
 Fax: 217/782-1206

The full text of these Adopted Amendments begins on the next page:

## ILLINOIS DEPARTMENT OF COMMERCE COMMUNITY AFFAIRS

## NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
 CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS  
 PART 110  
 STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT  
 BLOCK GRANT PROGRAM FOR SMALL CITIES

## SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section	
110.10	Legislative Base
110.20	Purpose and Scope
110.30	Definitions
110.35	Incorporation by Reference
110.40	Federal/State Program Objectives
110.50	Eligible Applicants
110.60	Eligible/Ineligible Projects and Activities
110.70	Grant Application Process
110.80	Funding
110.90	Set-Aside for Emergency Public Facilities Component
110.91	Grant Economic Development Component
110.92	Competitive Public Facilities Component
110.93	Competitive Housing Rehabilitation Component
110.94	Competitive Planning Assistance Component
110.95	Competitive Removal of Architectural Barriers Component
110.100	Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components (Repealed)
110.101	Application Evaluation for Competitive Planning Assistance Component
110.102	Application Evaluation for Competitive Removal of Architectural Barriers Component
110.103	Application Evaluation for Competitive Public Facilities Construction and Design Engineering Component
110.104	Application Evaluation for Competitive Housing Rehabilitation Component
110.105	Small Business Financing Component (Repealed)
110.110	Administrative Requirements
110.120	Nondiscrimination
110.130	Complaint Process

## SUBPART B: REVOLVING LOAN FUNDS

Section	
110.210	Purpose
110.220	Definitions
110.230	Recapture Strategy Requirements
110.240	RLF Administration
110.250	Use of RLF Funds
110.260	Requirements for RLF Projects

## ILLINOIS DEPARTMENT OF COMMERCE COMMUNITY AFFAIRS

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- 110.270 Administrative Costs
- 110.280 RLF Fundability Analysis
- 110.290 RLF Loan Closings
- 110.300 Security
- 110.310 Disbursement of RLF Funds
- 110.320 RLF Loan Monitoring and Reporting
- 110.330 Recordkeeping and Reporting
- 110.340 Department Monitoring
- 110.350 Evaluation of Performance
- 110.360 Program Income Subject to the Act

AUTHORITY: Implementing Section 46.37 and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.37 and 46.42].

SOURCE: Adopted and codified at 7 Ill. Reg. 2972, effective March 9, 1983; amended at 7 Ill. Reg. 7898, effective June 21, 1983; amended at 8 Ill. Reg. 16250, effective August 29, 1984; amended at 9 Ill. Reg. 7117, effective May 9, 1985; amended at 9 Ill. Reg. 10702, effective June 28, 1985; amended at 10 Ill. Reg. 10093, effective May 28, 1986; amended at 12 Ill. Reg. 2254, effective January 19, 1988; amended at 15 Ill. Reg. 4410, effective March 11, 1991; amended at 16 Ill. Reg. 20106, effective December 14, 1992; amended at 20 Ill. Reg. 7799, effective May 29, 1996; amended at 22 Ill. Reg. 13118, effective JAN 01 1998.

## SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

## Section 110.10 Legislative Base

## a) Federal

- 1) On July 31, 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). This Act redefined seven block grant programs, including the Small Enterprise or State Community Development Block Grant (CDBG) Program. The block grant programs were reauthorized and their target numbers were increased. Previously administered by the Federal Government, although the Housing and Community Development Act of 1974 provided the inception for discretionary block grants to smaller communities, the Omnibus Budget Reconciliation Act of 1981 made a fundamental change to transfer to the States the power and decision making in awarding block grants to small communities.
- 2) The State Community Development Block Grant Program funds are allocated to the State pursuant to law enacted as Section 106(d) of Title I of the Housing and Community Development Act of 1974, as amended, as amended of Sec. 384 of Title III of the Act. The Act authorizes state administration of the program to units of general local governments in nonentitlement areas. Those States which elect to administer the program will replace HUD under Subpart I of Community Development Block Grant Regulations (44

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- 5707) and the regulations of Subpart F governing the Small Cities Program administered by HUD will not apply. Throughout this Part references are made to the provisions of 24 CFR 570. These HUD Regulations were published November 27, 1992 September 67-1986--at 53-PR-3443.
- 3) While the States must follow the statutory requirements concerning the use of block grant funds, the Secretary of HUD will give maximum feasible deference to a State's interpretation of such requirements consistent with the Secretary's obligation to enforce compliance with the intent of Congress.
- 4) Pursuant to 24 CFR 91, the State must submit annually to HUD a Consolidated Plan that serves as the planning document of the State and an application under any of the Community Planning and Development formula grants, including CDBG, if a State elects to administer the program. It must submit each year to the Secretary of HUD during the month of July before the beginning of each Federal fiscal year--October 1 to September 30--certifications by the Governor--as required by the Act. A final statement and certifications are required to be submitted before March 31 during each year in which a State elects to administer the Community Development Block Grant funds for its nonentitlement areas.

## b) State

- 1) On August 10, 1981, the Governor designated the Illinois Department of Commerce and Community Affairs as the State administrative agency for the Small Cities Community Development Block Grant Program. On March 23, 1982, the Governor officially notified the U.S. Department of Housing and Urban Development of the State's election to administer the Small Cities Program for nonentitlement communities within the State.
- 2) As a part of its application, the State certified to HUD that it:
  - A) engages or will engage in planning for community development activities;
  - B) provides or will provide technical assistance to units of general local government in connection with community development programs;
  - C) Has consulted with local elected officials from among units of general local government located in nonentitlement areas of the State determining the method of distribution of CDBG Block-Grant funds.

(Source: Amended at 22 Ill. Reg. 13118, effective JAN 01 1998)

## Section 110.30 Definitions

"Act" shall mean Section 106(d), as amended, of Section 304 of Title III of the Omnibus Budget Reconciliation Act of 1981 (Public Law

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97-35 (42 U.S.C. § 5301 et seq.)

"Application" shall mean a request for program funds including the required forms and attachments.

"Application on Behalf Of" shall mean any application submitted by one eligible applicant requesting funds for one or more other eligible applicants.

"Community" shall mean any eligible applicant.

"Community Development Assistance Program" shall mean the State Community Development Block Grant program administered by the Department, initially authorized as the Community Development-Block Grant-Nonentitlement Program by Title I of the Housing and Community Development Act of 1974, as amended and subsequently authorized for State administration by the Omnibus Budget Reconciliation Act of 1981 for cities and counties except those designated as entitlement areas by the U.S. Department of Housing and Urban Development.

"CDAP Low Interest Subordinated Loan" shall mean a loan provided with Community Development Assistance Program funds which takes a collateral position secondary to a first trust mortgage or U.C.C. Filing deed.

"Department" shall mean the Illinois Department of Commerce and Community Affairs.

"Economic Development" shall mean job creation/retention and the alleviation of economic distress through the stimulation of private investment and community revitalization.

"Eligible Applicant" shall mean any incorporated municipality, township, or county within the State of Illinois, except those designated as entitlement areas by the U.S. Department of Housing and Urban Development.

"Entitlement City" shall mean a city designated by the Department of Housing and Urban Development to receive an amount of funds which the city is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in Section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

"Entitlement County" shall mean a county designated by the Department of Housing and Urban Development to receive an amount of funds which the county is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in Section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

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"Financial Feasibility" shall be determined from documentation from other financial servicing institutions (bank commitment letter, state loan terms, amortization schedule, interest rates, and conditions of its participation and the reasons why it cannot finance the entire project), as well as financial statements from the participating firms (3 years) to provide the project's viability and to indicate that the project could not proceed without the infusion of CDAP assistance. Also required will be a cash flow analysis/pro forma statement that projects at a minimum the first year's operations with the proposed loan funds. Financial statements for the next 3 years and a cash flow analysis/pro forma statement are not required for public facilities in support of economic development. Annual reports may be submitted in lieu of the financial statements and the cash flow analysis/pro forma statement if the company is publicly owned and traded and the company's historical financial condition is good.

"Full-Time Equivalent Job" shall mean 1950 hours of employment in a 12 month period.

"Grant" shall mean funds received through the Community Development Assistance Program.

"Grant Ceiling" shall mean the maximum amount of funds that an applicant may request in any one application.

"Grant Close Out" shall mean the formal process to document final expenditures, final program results, reconcile final cash payment to the grantee or refund to the grantor and to arrange for the release of liability to the parties of the contract.

"Grantee" shall mean any eligible applicant receiving funds under this program.

"HUD" shall mean the U.S. Department of Housing and Urban Development.

"Illinois Company" shall mean a company that is either doing business in or has committed to do business in Illinois.

"Joint Application" shall mean an application submitted by more than one eligible applicant to complete a single project for the benefit of all those applying.

"Limited Clientele Activity" shall mean an activity (i.e., removal of architectural barriers) that benefits exclusively a specific group (rather than all the residents of a particular area) presumed by HUD to be principally low- to moderate-income persons. This activity is considered to be 100 percent low- to moderate-income benefit.

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"Low and Moderate-income Persons" shall mean those individuals in families where income is 80 percent or less of the county median family income. For economic development, the latest available HUD Section 8 family income limits will be used.

"Multi-year Commitment" shall mean a project receiving a funding commitment from two to three program years' allocations, with up to two years' funding committed by HUD in previous funding years.

"Program Income" shall mean income realized from grant-related activities. Grant-related activities are those eligible activities listed in Section 110.60(a) of this Part.

"Project" shall mean an activity or activities funded by the Community Development Assistance Program with Community Development Block Grant funds.

"Public Guaranteed Loan" shall mean a loan guaranteed by a public entity.

"Recaptured Funds" shall mean funds received from grant-related activities after the grant has been closed out with the Department.

"Resource Leveraging" shall mean a financial contribution. Leveraging may include machinery and equipment brought into the State state from another state. The purchase price of underutilized land and buildings may be considered as leveraging as long as the land and/or buildings are functionally and geographically related to the proposed project (e.g., building will accommodate proposed activities, property is located within applicant's municipal jurisdiction, property will be utilized in the business operation, expanded space will house new employees). In determining if buildings and land are underutilized, for the purpose of resource leveraging, both the appraised value (i.e., an appraisal of property's market value) and a statement from the owner indicating the period of time which land/buildings have not been in use will be considered. Applicants may count local funds used to pay for salaries of employees administering the project as resource leveraging. Any expenditure of funds prior to grant award or lines of credit will not be considered leveraging. In addition, existing in-state equipment, buildings, furnishings, and inventory already owned and paid for by the applicant or the entity on whose behalf the applicant is applying prior to grant award will not be counted as leveraging. Contracts for deed without a due and payable clause or which is an apparent substitute for simple rent shall not be counted as resource leveraging.

"Self-Evaluation/Transition Plan" shall mean a formalized process for identifying and surveying community facilities, determining if

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physical barriers exist, and developing solutions for overcoming those barriers.

"Special Set-aside Funds" shall mean a separate allocation to fund projects. The need for funds must arise outside the normal funding cycle and require immediate attention.

(Source: Amended 22 Ill. Reg. 1910, effective JAN 01 1998)

## Section 110.40 Federal/State Program Objectives

a) In order to ensure that the State state administered program complies with the intent of the Housing and Community Development Act of 1974, as amended, a CMAP assisted activity must meet one or more of the following national objectives as required by Section 104(B)(3) of the Act Congress has required that federal-state-administered programs meet at least one of the following three national objectives:

- 1) Benefiting low and moderate-income persons;
  - 2) Aiding in the prevention or elimination of slums and/or blight;
  - 3) Meeting other community development needs that pose a serious and immediate threat to the health and welfare of the community.
- b) To complement these federally mandated national objectives, the State has established the following specific objectives for the Community Development Assistance Program:
- 1) Strengthening community economic development through the creation of jobs, stimulation of private investment, and strengthening of the tax base;
  - 2) Alleviation of economic distress and realizing community economic development opportunities of benefit for low and moderate-income individuals;
  - 3) Improvement of public infrastructure and elimination of conditions which are detrimental to health, safety, and public welfare;
  - 4) Conservation and expansion of the State's state housing stock in order to provide a decent home and a suitable living environment for persons of low and moderate-income and persons with disabilities the developmentally disabled.

(Source: Amended at 22 Ill. Reg. 1910, effective JAN 01 1998)

## Section 110.60 Eligible/Ineligible Projects and Activities

a) Eligible Projects and Activities - Eligible activities are detailed in 21 CFR 570.482 (1992) 24-CFR-596-204-(1999). Activities assisted by this program may include the following:



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- 1) Economic Development - provision of assistance to private for-profit or not-for-profit businesses for such activities as land acquisition; public facilities and improvements in support of economic development (such as, water, sewer and utility lines); acquisition, construction, rehabilitation of commercial and industrial buildings/facilities; machinery and equipment; buildings and fixtures; and working capital expenses.
- 2) Public facilities, improvements or installation of public facilities, including sewerage, water and sewer facilities including storm sewerage, solid waste disposal facilities, flood retention and drainage facilities.
- 3) Housing Rehabilitation and Preservation - provision of assistance in support of low to moderate-income housing, including rehabilitation, clearance, demolition, and/or removal of privately-owned buildings and provision of site improvements such as connection of residential structures to water or sewer lines; certain types of housing modernization; temporary relocation assistance; and code enforcement.
- 4) Planning Assistance - planning activities which focus on the needs of low- and moderate-income persons in the community, including feasibility studies, data gathering, analyses, preparation of plans, and identification of implementing actions.
- 5) Removal of Architectural Barriers - structural improvements to government-owned buildings to remove physical barriers that restrict the mobility and accessibility of elderly and disabled persons in order to comply with the Americans with Disabilities Act, e.g., curb cuts necessary to access local government buildings, modifications to entrances and exits, parking improvements, modification of restroom facilities, and signage.
- 6) The remaining major eligible cost category under the Community Development Assistance Program is general program planning and administration. This area covers the local government operational costs of implementing a local program. It includes costs involved in preparing the environmental review; preliminary engineering, planning, and design fees for the project; the cost of the local program audit; and other contractual costs for professional services that are associated with the administration of the program. It excludes all pre-program costs, such as payment or reimbursement of application preparation fees, costs associated with conducting a local survey, etc. There is a 10% ceiling placed on general program planning and administration costs for any local program.
- b) Ineligible Projects and Activities -
  - 1) Generally, any type of activity not described or referred to in Section 110-60(a) is considered ineligible. Ineligible activities are detailed in 24 CFR 570-287-41986).
  - 2) The following is a selective list of examples of projects and

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activities that are generally ineligible: buildings used predominantly for the general conduct of government (e.g., city halls, courthouses, jails, police stations, etc.). This does not include removal of architectural barriers and historic preservation. General government expenses; political activities; purchase of construction equipment and purchase of equipment; fixtures, motor vehicles, furnishings, or other personal property and in-kind contributions are generally ineligible. However, CDBG funds may be used to purchase or to pay depreciation or use allowances for such items when necessary if the administration of activities was assisted with CDBG funds. The costs associated with operating and maintaining public facilities and services are generally ineligible. New housing construction is ineligible, except as provided under the last resort housing provision set forth in 49 CFR 24 (1989) 24-EPF-42 (1989), or, when carried out by a subrecipient pursuant to 570.204(a)(2) of the Act; income payments for housing or any other purpose (e.g., income maintenance, housing allowances, down payments, mortgage subsidies, etc.). All activities as listed in 24 CFR 570.492 (1992) and Section 105(a) of the Act Part-570-287 through-286-41986) are eligible.

(Source: Amended at 22 Ill. Reg. 1010, effective JAN 01 1998)

## Section 110-70 Grant Application Process

- a) Upon request, the Department of Commerce and Community Affairs will supply local governments with an application package. Applicants shall complete the package in accordance with the instructions and schedule annually established by the Department.
- b) Pursuant to 24 CFR 570.496(5), applicants must provide for two public hearings, each at a different stage of the project to obtain citizen views.
  - 1) A minimum of one public meeting must be held prior to the submission of any application to the Department. This meeting, and its specific time, location, and topic(s) must be published at least seven days in advance in the non-legal section of a newspaper that is in general circulation within the community. Subsequent to such meeting(s), a resolution of support from the local governing body must be passed that authorizes the local government to apply for funds. If an applicant plans to utilize grants funds as a loan mechanism, discussion should be held at the public meeting to determine the planned uses of the recaptured funds.
  - 2) Should an applicant be awarded a grant, the applicant must provide evidence (i.e., newspaper clipping of notice hearing and a summary of comments presented at hearing) that one public

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hearing was conducted to review program performance under that grant on at least an annual basis prior to the applicant's first application submitted in any program year. This is in addition to the public hearing specified in subsection (b).

c) Applicants must submit a plan for minimizing displacement regardless of how CMAP funds are used pursuant to Section 104(d) of the Housing and Community Development Act of 1974, as amended 24-CMR-570-66674 (1967).

(Source: Amended at 22 Ill. Res. 1970, effective JAN 01 1978)

## Section 110.80 Funding

a) Distribution of Funds - Distribution of grant awards will be made according to the application evaluation process described in Sections 110.91, 110.92, 110.93, 110.94, 110.95, 110.100, 110.101 and 110.102 of this Part.

b) Other Funding Considerations

i) Grant ceilings: Grant ceilings establish the general limits that grant recipients and the Department shall employ the factored ceiling in subsection (b)(1)(B) of this Part. Grant ceilings shall apply to a particular project. Individual grants will be funded only in amounts commensurate with the requirements of the proposed projects. The Department will set the following grant ceilings for applicants:

- |                                      |                     |
|--------------------------------------|---------------------|
| A) Components                        | Grant Ceiling       |
| i) General Economic Development      | \$500,000 \$400,000 |
| ii) Competitive Public Facilities    | \$400,000           |
| Design Engineering                   | \$ 50,000           |
| iii) Competitive Housing             | \$400,000           |
| Rehabilitation                       |                     |
| iv) Set-Aside for                    | \$100,000           |
| Emergency Public Facilities          | \$100,000           |
| v) Removal of Architectural Barriers | \$150,000           |
| vi) Smart-Business-Financing         | \$100,000           |
| vii) Planning                        | \$ 25,000           |

B) Local governments may receive only one grant award under the program components of Competitive Public Facilities and Competitive Housing Rehabilitation, Competitive Removal of Architectural Barriers, and Competitive Planning Assistance. They and they are limited to submitting one application under the Competitive Public Facilities and the Competitive Housing Rehabilitation components in any one program year.

C) On occasion, the Department will review the technical feasibility of a project. If the review requires non-departmental expertise (e.g., water and sewer permits),

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The Department will coordinate with other agencies (e.g., Environmental Protection Agency (EPA), Department of Public Health (DPH), Farmers Home Administration (FmHA)) to review the technical feasibility of the project.

D) In determining appropriate individual grant amounts the Department shall consider the following:

- i) Project Need - Project need shall be determined using standards found in Sections 110.90(b)(3); 110.91(b)(3)(A), (C), (D), and (E); 110.92(b)(3); 110.93(b)(3); 110.94(b)(3); 110.95(b)(3); 110.100(c); 110.101(b); and 110.102(b) 110-10574, as applicable.
- ii) Ability to Carry Out the Project - Determination of the ability to successfully complete the proposed project shall be based upon elements such as previous program performance, experience, and scope of the proposed program.
- iii) Proposed Activities - A review of the proposed activities shall be based on a determination of whether the program objectives will be met through the proposed activities as set out in Sections 110.90, 110.91, 110.92, 110.93, 110.94, 110.95, and 110.105.

E) The Department may withdraw a commitment of funds if it is determined that a project will not progress. The conditions under which this shall occur are listed in 47 Ill. Adm. Code 110.10.

2) Standards for Program Category Allocation: The Department shall determine the amount of funds annually allocated to carry out activities in accordance with each of the community development assistance program categories. Need expressed by interested citizens and local elected officials pursuant to Section 110.10(b)(2)(C), the amount of annual allocation, and a review of past program component usage shall be factors in determining the amount of funds annually allocated to carry out activities. The allocation of funds between program components shall be determined from the following allocation ranges:

- |  |                       |
|--|-----------------------|
| A) Set-Aside for Emergency Public Facilities | -- 1% 3% - 20%        |
| B) Smart-Business-Financing                  | Fund-34--26%          |
| C) Competitive Public Facilities             | -- 14% - 60%          |
| D) General Economic Development              | -- 10% - 40% 40%--60% |
| E) Removal of Architectural Barriers         | -- 1% - 10%           |
| F) Planning                                  | -- up to 1%           |

3) Environmental Clearances: Upon actual grant award, a technical review of non-exempt activities must be completed, if required, under 24 CFR 58 (1984). HUD has published "Environmental Review Procedures for the Community Development Block Grant (24 CFR 58). On-Site Visits: The Department's program staff may, contingent upon program resources or the need for on-site inspection to

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verify eligibility, will conduct field visits of potential grantees under the Competitive Public Facilities and Competitive Housing Rehabilitation components prior to final grant decisions.

(Source: Amended at 22 Ill. Reg. 19.010, effective

JAN 01 1998

## Section 110.91 General Economic Development Component

The general economic development component is available to assist communities to attract or expand private businesses local industry. The program provides low interest subordinate loans (at below the current prime rate) when the loan application is received in the major money centers or public infrastructure grants to projects that create or retain jobs primarily for low to moderate-income workers. The loan term and amortization schedule shall be flexible and consistent with the economic life of the asset being purchased. Public infrastructure grants may also be made. This assistance can benefit made-to both private "for-profit" and "not-for-profit" organizations. Funds will be made available on an as needed basis on a noncompetitive process until all funds are obligated.

a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:

1) At minimum, 51 percent of those benefiting from the project will be low to moderate-income persons (as defined in Section 110.30 of this Part).

A) The benefit of job creation shall be documented in either one of two ways:

i) Obtaining and keeping on file for verification the Family Income Verification Form which includes an employee's social security number, signature and family income; or

ii) Accepting employment referrals from the Job Training Partnership Act (JTPA).

B) The benefit of the job retention of existing employees shall be documented by completing a Family Income Verification Form for each employee. These forms must be submitted at the time of application. These forms must be submitted at the time of application.

2) The financial feasibility of the project and how program objectives will be met through proposed activities. Participating businesses must submit supporting financial data.

3) If a start-up project is proposed, a 20 percent commitment of equity included in the leveraging, unless waived by the Director for good cause shown. Good cause may include, but is not limited to, cases where ODAP funds are used for the construction or rehabilitation of public infrastructure, where the equity requirement would work an unreasonable hardship upon the applicant, where the loan is sought by a minority enterprise, where other conditions of the loan are so firmly supported that

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the equity requirement is not necessary or where the need for job creation in the geographical area far exceeds the relative security offered by the 20% equity requirement.

4) For public infrastructure projects in support of economic development, when the improvements are to take place in an area that is residential in character, that the area is comprised of at least 51% low to moderate-income persons. Applicants must improve--that--any--future--hook-ups--to--the--public infrastructure--made--with--program--funds--will--benefit--primarily--low to moderate-income persons (51% or more)--pursuant--to--24--CFR 570-208-419997.

b) Application Review and Approval

1) Funds will be made available on an as needed basis throughout the year.

2) Applications shall be prepared and submitted to the Department as specified in Section 110.70 of this Part. Complete applications shall be reviewed and evaluated by Department staff. Applicants shall be notified of deficiencies and given the opportunity to correct such deficiencies through submission of additional documentation.

3) The evaluation of projects shall be conducted to assure compliance with 24 CFR 570.203 (1992) (1998) and shall also address the following criteria:

A) Project Need - Need for and use of program funds should be detailed. This evaluation shall include a review of all sources, and uses of funds and an analysis of the borrower's ability to repay the funds and the need for and extent of public funding.

B) Project Readiness - The applicant must demonstrate project readiness through a description of all activities. This shall include commitment from all lenders and investors, signed and dated.

C) Financial Evaluation - The company's financial statements shall be prepared and a projected earnings statement shall be prepared to determine liquidity/debt coverage; ability of the company to manage debt; business trends; and projected earnings. This data shall be compared to similar data for companies in the industry using the RMA Annual Statement Studies published by Robert Morris Associates, P.O. Box 8500, St. Louis, Philadelphia, PA 19178 (1988), or a comparable source if such industry is not evaluated by this source. Financial statements for the next 3 years and a projected earnings statement are not required for public facilities in support of economic development. Annual reports may be submitted in lieu of financial and projected earnings statements if the company is publicly owned and traded and the company's historical financial condition is good.





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- f) All RLF projects shall be conducted within the geographical jurisdiction specified in the approved RLF Plan.
- g) All businesses receiving or benefiting from RLF funds shall satisfy the requirements of Section 110.91(b)(3)(A), (B) and (C) of Subpart A.
- h) Each project shall meet the eligibility requirements of Section 105 of the Act.

(Source: Amended at 22 Ill. Reg. 1310, effective JAN 01 1993)

## Section 110-280 RLF Fundability Analysis

Each RLF shall have a standard RLF loan application. The RLF administrator shall conduct a review and maintain documentation for each RLF application to support that minimum program requirements have been satisfied pursuant to Sections 110.250 and 110.260 of this Subpart and fundability consistent with the following:

- a) Financial Feasibility Evaluation - The RLF applicant shall submit supporting financial data which at a minimum shall include the following information:
  - 1) A brief history of the business and past employment growth.
  - 2) Market information on the business' products or services and identification of existing and potential major customers and competitors.
  - 3) Three years historical financial statements which consist of: a balance sheet, profit and loss statement and a reconciliation of net worth. This information shall cover three years, as well as the most recent 90 days. Accountant's notes or detailed notes, in the instances in which the statement is not audited, shall be included with the statements.
  - 4) Prior three years of financial statements for those small businesses with no formal financial statements.
  - 5) Personal financial statement of each principal (proprietor, partner, officer, stockholder) owning 20 percent or greater share of the outstanding stock in the business, as well as a brief personal history statement for each.
  - 6) Projected earnings report which includes a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. Base assumptions shall also be included.
  - 7) Business plan and/or market feasibility information which addresses business products or services and identifies and potential major customers and competitors.
  - 8) Financial statements of the general partners, if a business is a limited partnership. If a business is a corporate general partner, the personal and corporate financial statements of the general partner shall be submitted.
  - 9) A list of major equipment or classes of equipment to be acquired.

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For acquisition of new machinery and equipment, reliable vendor cost estimates shall be provided. Purchased machinery and equipment acquisition, an appraisal shall be provided which demonstrates that the fair market value is in line with the purchase price.

- 10) A detailed explanation of the need for and specific use of working capital. If used for inventory, a list with supporting cost estimates shall be provided.
- 11) A list of all sources of leveraging documented by written letters of commitment. Loans from financial institutions used as leverage shall indicate approval as well as the loan amount, the specified term and rate, collateral, and conditions attendant to the loan. Equity contributions shall be documented through signed letters from the benefiting business.
- 12) Documentation of the legal status of the borrower and authorization to enter into the loan, e.g., Articles of Incorporation, Secretary's Certificate, Certificate of Good Standing, etc.
- 13) A letter verifying the number of jobs to be created and/or retained, including the number to be filled by low and moderate-income persons and the specific time period over which this will occur.
- b) Determination of Need - Documentation shall be maintained by the RLF administrator to verify that the RLF application review procedures include criteria to determine if RLF funds are necessary. Such criteria shall consist of the following elements:
  - 1) Evaluation of Project Costs - All costs associated with the project shall be verified prior to making a funding determination and establishing a funding level. Third party cost estimates shall be obtained to document all project costs. If a grantee does not use third-party quotations to verify cost elements, then the grantee shall conduct its own cost analysis using appropriate cost estimating manuals or services.
  - 2) Verification of Other Funding Sources - At a minimum, the loan applicant shall show evidence, in the form of a bank commitment letter, of the level of financing that a bank will commit. This review shall also include an analysis of the private equity available to be committed to the project. All sources of funding shall be firmly committed in writing and maintained in the loan file. All units of local government with existing RLFs shall utilize all available RLF funds prior to requesting funds through CMAP.
  - 3) The grantee shall review the applications to ensure that, to the extent practicable, CMAP funds will not be used to substantially reduce the amount of non-RLF financial support for the activity. To reach this determination, the grantee shall conduct a financial analysis of the project, including review of the appropriate projections of revenue, expenses, debt service and

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return on equity investments. The extent of the review shall be appropriate for the size and complexity of the project and use industry standards for similar projects, taking into account the unique factors of the project such as risk and location.

- 4) Return of Equity Investment - To the extent practicable, the RFP-assisted activity shall not provide more than a reasonable return on investment to the owner of the assisted project.

- 5) Justification for RFP-Assistance--At least one of the following requirements shall be met in order to justify RFP assistance:

- a) The application shall demonstrate that the loan applicant can raise only a portion of the necessary financing--A financing gap must exist between verified sources and user.

- b) The application shall demonstrate that a business is considering multi-state location options and that RBP funds are needed to equate cost variation between sites.

- c) Documentation shall include cost disclosures for each site under consideration or

- d) The application shall demonstrate that full financing is available but the rate of return is insufficient to induce the developer to proceed. The RBP administrator shall

- e) All grantees shall submit semi-annual quarterly status reports to the Department. The January-June March report shall be due no later than July 15. April-15th; the April-June report shall be due no later than July 15th; the July-December report shall be due no later than October 15th; and the October-December report shall be due no later than January 15th. Status reports shall include the following information:

- 1) Date submitted;

- 2) Name, title and telephone number of person(s) preparing report;

- 3) Report period;

- 4) Name of the unit of local government;

- 5) Name of county;

- 6) Name of assigned Department compliance review staff;

- 7) Name of Department-funded CDAP loan, the following:

- A) Grant number;

(Source: Amended at 22 Ill. Reg. 1910, effective JAN 01 1998)

## Section 110.330 Recordkeeping and Reporting

- a) Grantees shall maintain all records of financial, programmatic and compliance activities. All documents which are associated with a loan review process shall be maintained on file by the grantee.

- b) All grantees shall submit semi-annual quarterly status reports to the Department. The January-June March report shall be due no later than July 15. April-15th; the April-June report shall be due no later than July 15th; the July-December report shall be due no later than October 15th; and the October-December report shall be due no later than January 15th. Status reports shall include the following information:

- 1) Date submitted;

- 2) Name, title and telephone number of person(s) preparing report;

- 3) Report period;

- 4) Name of the unit of local government;

- 5) Name of county;

- 6) Name of assigned Department compliance review staff;

- 7) Name of Department-funded CDAP loan, the following:

- A) Grant number;

## ILLINOIS DEPARTMENT OF COMMERCE COMMUNITY AFFAIRS

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- B) Date of loan;  
C) Initial loan amount;  
D) Total amount to be recaptured, broken out by principal and interest;  
E) Total amount recaptured to date, broken out by principal and interest;

- F) Loan status (i.e., current (yes/no));  
G) If a loan is not current, date of last payment;

- H) A list of CDAP loans in default or in bankruptcy and a full description of the current status of those loans, including collection efforts;

- I) For each loan made out of the RLF, the following:

- A) Date of loan;

- B) Name of company;

- C) Initial loan amount;

- D) Total amount to be recaptured, broken out by principal and interest;

- E) Total amount recaptured to date, broken out by principal and interest;

- F) Loan status (i.e., current (yes/no));

- G) Number of jobs created/retained per loan;

- H) Number of jobs created/retained per loan for low and moderate-income persons;

- I) Source and amount of other financing;

- J) If a loan is not current, date of last payment;

- K) A list of RLF loans in default or in bankruptcy and a full description of the current status of those loans, including collection efforts;

- 9) Totals for information listed in subsections (b)(7)(E), (b)(8)(C) and (b)(8)(E) shall be included in the following computation: Total CDAP loan principal recaptured plus total CDAP loan interest recaptured minus total amount of revolving loans made minus eligible infrastructure expenditures minus eligible administrative expenses plus interest earned on deposits. The formula allows the grantee to determine the total amount in their RLF. This figure shall match the balance shown on the grantee's bank statement at the end of the report period. A copy of the bank statement shall be attached to the quarterly report;

- 10) A copy of the amortization schedule which relates to each loan; and

- 11) Signature of the chief elected official for the unit of local government certifying that information contained in the report is true and correct and is supported by documentation on file at their office.

(Source: Amended at 22 Ill. Reg. 1910, effective JAN 01 1998)

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## Section 110.340 Department Monitoring

- a) The grantee shall be responsible for operating the RLF in accordance with the terms of their CDAP grant agreement(s) and their RLF Plan.
- b) The grantee shall permit any agent authorized by the Department, upon presentation of credentials, to have full access to and the right to examine any documents, papers, and records of the grantee and the RLF relating to transactions of the RLF.
- c) The Department shall monitor RLF programs using on-site visits, semi-annual quarterly status reports submitted by the grantee, disbursement transactions and other contacts with the grantee as necessary.
- d) Department monitoring procedures shall concentrate on loan evaluation and decision-making as well as servicing and monitoring of RLF loans. The grantee shall remain responsible for the actions, compliance and recordkeeping of its administrator. Grantee communities are responsible for establishing a system to monitor the performance of their RLF administrator.
- e) The grantee or RLF administrator shall conduct at least one on-site monitoring visit of each RLF loan recipient to verify job creation and retention, low and moderate-income benefit, documentation of expenditures, and compliance with the other terms and conditions of the loan agreement before closing out a project and shall maintain documentation of the visit.

(Source: Amended at 22 Ill. Reg. 1920, effective JAN 01 1998)

## Section 110.360 Program Income Subject to the Act

- a) Any program income (as defined in Section 110.220 of this Subpart) that the Department has permitted a grantee to retain and that is realized while the grantee has an open CDAP grant is subject to the requirements of the Act and 24 CFR 570.
- b) Program income retained by the grantee and generated from a grant awarded prior to October 28, 1992 is not subject to the Act and 24 CFR 570 under the following conditions:
- 1) The CDAP grant which generated the income is closed. For purposes of this Subpart, a closed project is defined in Section 110.220 of this Subpart; and
  - 2) All concurrent CDAP grants are closed.
- c) Program income retained by the grantee, and generated from a grant awarded after October 28, 1992 is subject to the Act and 24 CFR 570.
- d) If the grantee's CDAP grant records are not sufficient to determine when program income was earned in relation to close-out of the grantee's CDAP projects, those RLF funds shall be considered subject to the Act.
- e) Regardless of when the program income is earned, the RLF shall always

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be subject to the requirements of the approved recapture strategy and each beneficiary of funds through the RLF shall benefit at least 51% low and moderate-income persons.

(Source: Amended at 22 Ill. Reg. 1910, effective JAN 01 1998)

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Regulations Under the Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:
  - 130.1102 Amended
  - 130.1104 Amended
  - 130.1107 Amended
  - 130.1109 Amended
  - 130.1110 Amended
  - 130.1111 Amended
  - 130.1114 Repealed
  - 130.1115 Amended
  - 130.1118 Amended
  - 130.1123 Amended
  - 130.1124 Amended
  - 130.1126 Amended
  - 130.1129 Amended
  - 130.1130 New
  - 130.1131 New
  - 130.1132 New
- 4) Statutory Authority: 815 ILCS 5
- 5) Effective Date of Rulemaking: January 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 11, 1997
- 9) Notice of Proposal Published in Illinois Register: July 11, 1997, 21 Ill. Reg. 8861
- 10) Has JCPR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
  - Section 130.1107 - In the last sentence of subsection (a) added a ", " after "Officer" and before "the respondent's".
  - Section 130.1109 - In the first sentence moved the phrase "by the respondent" from between "for hearing" and "shall be deemed to be a failure to appear" and "at that time."
  - Section 130.1110 - Before subsection (b) added "10) To request that a hearing officer be disqualified from conducting, or continuing to conduct, an assigned hearing pursuant to Section 130.1132 of this Part."

NOTICE OF ADOPTED AMENDMENTS

- Section 130.1130 - In the last paragraph deleted the phrase "or his attorney" after "the offending party" and before "pay the reasonable."
- Section 130.1132 - This whole Section is added pursuant to a request from JCPR to comply with the Illinois Administrative Procedure Act which requires rules for disqualification of hearing officers.
- 12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
  - Section 130.1102 - Amends Section to extend the duration of a Temporary Order of Prohibition until the date of the Administrative Hearing.
  - Section 130.1104 - Amends Section to include Special Appearance provision and clarify ramifications for failing to file an answer to a Temporary Order of Prohibition.
  - Section 130.1107 - Amends Section to clarify Special Appearance procedures.
  - Section 130.1110 - Amends Section to include motions for sanctions and sets forth what motions can be granted by a Hearing Officer.
  - Section 130.1111 - Amends Section to grant a continuance of an order to facilitate ongoing settlement negotiations. Deletes the requirement for an affidavit to be filed with motion.
  - Section 130.1114 - Repeals Section, no longer a necessary requirement.
  - Section 130.1115 - Amends Section to require mutual burden of providing exculpatory evidence by the Department and Respondent.
  - Section 130.1118 - Amends Section allow post hearing conferences to be held by telephone and additionally adds that pre-hearing conference may be held to assist with the disposition of the hearing.



## SECRETARY OF STATE

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Section 130.1123 - Amends Section to incorporate the Business Opportunity Sales Law of 1995; the Illinois Loan Brokers Act of 1995 and the Illinois Business Brokers Act of 1995 which includes a summary order provision for the implementation of the Acts.

Section 130.1124 - Amends Section to add statutory cite for the Business Opportunity Sales Law of 1995.

Section 130.1126 - Amends Section to disallow the recording or taping of hearing procedures other than by the Illinois Securities Department or court reporter.

Section 130.1129 - Amends Section to provide for a 10 day response time to file a request to present newly discovered evidence to begin when the final order is received by respondent.

Section 130.1130 - New Section to create sanctions for the refusal to comply with an order or discovery rule.

Section 130.1131 - New Section to establish a procedure for a respondent to request that an order be vacated which was issued due to default on the part of the respondent.

Section 130.1132 - New Section to comply with the Illinois Administrative Procedure Act which requires rules for disqualification of hearing officers.

16) Information and questions regarding these adopted amendments shall be directed to:

Theresa Oxtoby  
Illinois Securities Department  
Lincoln Tower, Suite 200  
520 South Second Street  
Springfield, IL 62701  
(217) 524-8040

The full text of the Adopted Amendment begins on the next page:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER 1: SECRETARY OF STATE

## PART 130

## REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

## SUBPART A: RULES OF GENERAL APPLICATION

Section 130.100	Business Hours of the Securities Department
130.101	Computation of Time
130.110	Payment of Fees
130.120	Place of Filing
130.130	Date of Filing
130.135	Registration of Securities under Section 5 or 7 of the Act Utilizing the SMD
130.140	Requirements as to Proper Form
130.141	Additional Information
130.142	Additional Exhibits (Repealed)
130.143	Information Unknown or Not Reasonably Available
130.144	Requirements as to Paper, Printing, and Language
130.145	Number of Copies—Signatures
130.190	Provisions for Granting of Variance from Rules

## SUBPART B: DEFINITIONS

Section 130.200	Definitions of Terms Used in the Act and the Rules
130.201	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
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AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective



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January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6009, effective March 27, 1992; amended at 20 Ill. Reg. 14183, effective October 21, 1995; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 8928, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 11222, effective JAN 01 1998.

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## Section 130.1102 Notice of Hearing

- a) The Notice of Hearing shall include:
  - 1) A statement of the time, place and nature of the hearing;
  - 2) A statement of the legal authority, and jurisdiction under which the hearing is held;
  - 3) A short and plain statement of the matters alleged;
  - 4) A statement of financial sanction or relief sought; and
  - 5) A concise statement to each respondent that:
    - A) the respondent may be represented by legal counsel, may present evidence, may cross-examine witnesses and otherwise participate;
    - B) failure by any respondent to appear shall constitute default by such respondent ~~unless such respondent has a notice of hearing upon due notice moved for and obtained~~ and continuance; and
    - C) delivery of notice to the designated representative of any respondent constitutes service upon such respondent.
- b) Unless otherwise required, and except for subsection (c) of this Section, each respondent shall be given a Notice of Hearing at least 45 ~~forty-five~~ days prior to the first date set for any hearing hereunder. Once such notice is given, the Securities Department shall notify each respondent in writing at the last known address of each respondent of any subsequent hearing date.

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- c) In the case of a request for hearing by a respondent on a Temporary Order of Prohibition or Suspension, such request shall immediately toll any limitation on the effectiveness of the Temporary Order of Prohibition or Suspension for 60 days from the date the request is received by the Department and each respondent shall be given a Notice of Hearing which shall state that by requesting a hearing on the respondent agrees to a tolling of the time limitation on the effectiveness of the Temporary Order of Prohibition or Suspension for 60 days from the date the request is received by the Department. ~~Nothing in this Part shall prevent the Securities Department from scheduling a hearing within ten days of the date on which the Secretary temporarily suspends any registration under the Act or issues a stop or temporary order.~~
- d) When a respondent timely requests a hearing on a Temporary Order of Suspension or Prohibition pursuant to Section 11(E)(2) of the Illinois Securities Law of 1953, or Stop Order or Order of Denial under Section 11(F)(4) of the Act issued by the Secretary, the Securities Department shall issue a Notice of Hearing in the form prescribed herein.
- e) Any contention that improper notice was given shall be deemed waived unless it is raised by the respondent in its answer, special appearance, or other responsive pleading, prior to argument on any other motion or ~~if no other motions are presented prior to the commencement of opening statements at the hearing.~~
- f) Proper notice is given by depositing a Notice of Hearing with the United States Postal Service, either by certified or registered mail, return receipt requested, or by the personal service, to the last known address of the respondent.

(Source: JAN 01 1998 22 Ill. Reg. 1333, effective JAN 01 1998)

## Section 130.1104 Requirement to File an Answer

- a) In each contested case instituted by the Securities Department, each respondent shall file with the Securities Department an Answer. ~~Special appearance pursuant to Section 130.1107 of this Part, or other responsive pleading within 30 thirty days after the service of the Notice of Hearing or within ten days after each amended Notice of Hearing which materially alters the Notice of Hearing, such as an addition or deletion of parties or counts, or within ten days after the service of a Notice of Hearing issued pursuant to Section 130.1102(d) of this Part. Each Answer shall be in writing, signed by each respondent or the respondent's representative, and shall contain a specific response to each allegation in the Notice of Hearing or each new allegation contained in a materially altered Notice of Hearing and set forth affirmative defenses, if any. The response shall either admit or deny each allegation, or shall state that the respondent has insufficient information to admit or deny the allegation. Every~~

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allegation not explicitly denied is admitted, unless the respondent shows that this or persons with whom she has no knowledge thereof are sufficient from belief and attaches an affidavit of the truth of the want of knowledge, or unless the respondent has had no opportunity to deny.

- b) Failure by the respondent to timely file an answer, a special appearance pursuant to Section 130.1107 of this Part, or other responsive pleading shall be deemed an admission of the allegations contained in the Notice of Hearing and waives the respondent's right to a hearing. The Hearing Officer shall make a recommendation that an appropriate order be entered wherein, in addition to any other sanctions, respondent be held in default, if within thirty days after service of such Notice of Hearing, the respondent does not answer or otherwise file a responsive pleading. The respondent shall be held in default.

(Source: Amended at 22 Ill. Reg. 1033, effective JAN 01 1938)

## Section 130.1107 Special Appearance

- a) Prior to filing any other pleading or motion, a special appearance may be made either in person or by attorney for the limited purpose of objecting to the jurisdiction of the Securities Department over the person of the respondent. Every appearance not expressly designated a special appearance shall be deemed to be a general appearance. If the reasons for objecting to jurisdiction are not apparent from the papers on file in the proceeding, the special appearance shall be supported by affidavit setting forth the reasons. In ruling upon any objection at any hearing, the Hearing Officer hearing officer may consider all of the respondent's appearance from the papers on file, affidavits submitted by any party, and the evidence adduced upon disputed issues of fact. No determination of any issue of fact in connection with the objection is a determination of the merits of the case on any aspect thereof. A ruling adverse to the objector does not preclude the objector from making any motion or defense which he or she might otherwise have made. If the Hearing Officer hearing officer sustains the objection, any appropriate order shall be entered of record after review by a designated representative of the Secretary. Error in ruling against the objection is not waived by the objector's taking part in further proceedings in the matter. If a special appearance is denied by the Hearing Officer, the respondent's time limits to file an answer or other responsive pleading in accordance with Section 130.1104 of this Part begin from the date of the denial of the special appearance.

- b) Any objection to the subject matter jurisdiction, including the objection that the respondent did not offer and/or sell a security or a business opportunity, are not the proper subject of this Section and shall be stricken by the Hearing Officer if made a part of the special

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appearance.

(Source: Amended at 22 Ill. Reg. 1033, effective JAN 01 1938)

## Section 130.1109 Failure to Appear

Failure to appear, by the respondent, at the time and place set for hearing shall be deemed a waiver of the right to present evidence, argue, object or cross-examine witnesses, or otherwise participate at the hearing. After presentation by the Securities Department of proof that the respondent has given proper notice and jurisdiction of the Secretary has been established, the Hearing Officer hearing officer shall strike any answer or other pleading filed, if any, by the party failing to appear and make a recommendation to the Secretary that a finding of default and an appropriate order be entered, where the Securities Department fails to appear, the Notice of Hearing shall be dismissed.

(Source: Amended at 22 Ill. Reg. 1033, effective JAN 01 1938)

## Section 130.1110 Motions

- a) Motions shall be made in writing, unless otherwise allowed by the Hearing Officer hearing officer during the course of a hearing. Written motions shall be limited to the following:

- 1) To request a Hearing Officer's recommendation for dismissal of a Notice of Hearing for failure to state facts which, if true, would form a sufficient basis for the issuance of an Order or other sanctions;
- 2) To request sanctions in accordance with Section 130.1130 130.1106 of this Part;
- 3) To request sanctions in accordance with Section 130.1115 of this Part;
- 3.1) To request dismissal of a Notice of Hearing where the Securities Department's case has been concluded without sufficient evidence having been presented to form a basis for the issuance of an Order or other sanction;
- 4) To request a continuance, or extension of time, upon good cause shown in accordance with Section 130.1111(a) of this Part;
- 6) To request an order granting a hearing to present newly discovered evidence in accordance with Section 130.1129 of this Part;
- 7) To request that a hearing officer deem a failure to file an answer to be an admission of the truth of the allegations contained in the Notice of Hearing;
- 5) To request that a Hearing Officer hearing officer be disqualified from the hearing, for prejudice;

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6) To request that an Order of the Hearing Officer entered prior to the conclusion of a hearing be vacated or modified;

7) To request separation of cases joined by the Securities Department;

8) To request that any party be held in default;

9) To request consolidation of cases or parties; and

10) To request an order limiting a response to a demand for bill of particulars or a request for discovery or an order restricting the number, scope or subject matter of depositions;

11) To request that a Hearing Officer be disqualified from conducting or continuing to conduct, an assigned hearing pursuant to Section 130.1112.

b) When any motion is filed, the Hearing Officer hearing officer may allow oral or written argument or both if this is deemed necessary to a fuller understanding of the issues presented. Where facts are alleged as a basis for the request which are not a part of the record in the case, an affidavit shall be attached to the motion setting forth such facts.

(Source: Amended at 22 Ill. Reg. 1933, effective JAN 01 1938)

## Section 130.1111 Requirements Relating to Continuances

a) A request for continuance of a hearing shall be subject to the discretion of the Hearing Officer hearing officer.

1) Such continuance may be granted, for good cause shown, provided the request is received by the Hearing Officer hearing officer and each party or authorized representative of record not less than five days prior to the latest hearing date unless good cause for a continuance is shown prior to or during the hearing or between hearing dates due to the absence of material evidence, sudden unavailability of counsel, sudden illness of a party or an essential witness, ongoing settlement negotiations, or other similar reasons. Such request may be made in writing, supported by an affidavit and shall set forth the grounds alleged therefor.

2) Oral requests for continuances shall not be granted unless made during the hearing for good cause.

3) Good cause includes, but is not limited to, service in the armed forces, or serious illness relating to either party, that party's authorized representative of record, or essential witnesses, or sudden unavailability of counsel.

4) A continuance, when granted, shall state a date certain, not more than 60 days after the prior scheduled hearing date at which time the hearing shall be held.

5) Continuances may be granted for the purposes of allowing the parties to complete discovery requests made pursuant to Section 130.1115 of this Part, but only where upon "Good Cause" shown, in accordance with

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Section 130.1111(a) of this Part, discovery could not be completed prior to the scheduled date for hearing.

(Source: Amended at 22 Ill. Reg. 1933, effective JAN 01 1938)

## Section 130.1114 Bill of Particulars (Repealed)

a) Upon written demand made not more than fifteen days after service of the notice of hearing and prior to the demanding party filing an answer to the notice of hearing, a party shall furnish to other parties a written bill of particulars.

b) A response to a demand for bill of particulars shall be provided to each other party within ten days of service of the written request.

(Source: Repealed at 22 Ill. Reg. 1933, effective JAN 01 1938)

## Section 130.1115 Discovery

a) Discovery shall not be the subject of motions presented to the Hearing Officer hearing officer, except as provided in Section 130.1110 of this Part.

b) Upon written request served on the opposing party, any party shall be entitled to:

1) The name, business and home addresses and telephone number, if available, of each witness who may be called to testify;

2) Copies of each document which may be offered as evidence; and

3) A description of any other evidence which may be offered.

c) The above information shall be provided within ten business days after service of a written request.

d) Upon written request of any party, during discovery a party shall be entitled to:

1) Any exculpatory evidence in a party's the Securities Department's possession. Exculpatory evidence is any evidence which tends to support the opposing party's respondent's position or to call into question the credibility of an opposing party's a-Securities representative witness; and

2) Copies of any investigative report which purports to be a memorandum of interview of the respondent.

e) Upon a written request served on the respondent at any time after a Notice of Hearing is filed, or at any stage of the hearing, the respondent will be required to produce within ten days after service of a written request non privileged documents, books, records or other evidence which relate to the issues set forth in the Notice of Hearing.

f) No file of a Securities Department investigator or attorney shall be subject to discovery except as stated in subsection (d) of this

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Section relating to exculpatory evidence and memoranda of interviews of a respondent.

- g) In accordance with Section 130.1118 of this Part, in large or complex cases, at the discretion of the Hearing Officer hearing—officer, a pre-hearing conference with the parties and the Hearing Officer hearing—officer may be scheduled in appropriate cases. Consistent with the expedited nature of administrative hearings, the Hearing Officer hearing—officer shall, at the pre-hearing conference establish the time and schedule for the production of relevant documents and other information, including the production of witnesses.

- h) Subject to constitutional privilege and to rights of confidentiality under common law and statutes, the Act and the Freedom of Information Act—431c—Rev. Stat., ch. 136, par. 291 et seq. a party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of relevance of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished. The failure of a party to respond to a request by either an admission or a sworn denial within ten days after of service shall be deemed to be an admission thereof.

- i) When information or documents are withheld from disclosure or discovery on a claim that they are confidential or privileged pursuant to a common law of statute, any such claim shall be made expressly and shall be supported by a description of the nature of the documents, communication, or things not produced or disclosed and the exact privilege that is being claimed. These provisions shall be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.

- jj) If a party, after being served with a request to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof, and the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter of fact, the requesting party may apply to the Hearing Officer for an order requiring the other party to pay the requesting party the reasonable expenses incurred in making the proof, including reasonable attorney's fees. Upon finding good cause by the Hearing Officer the Act shall be amended.

- kl) A party has the duty to timely supplement or amend any prior answer or response to discover requests whenever new or additional information subsequently becomes known to that party.

(Source: Amended at 22 Ill. Reg. 1933, effective

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## Section 130.1118 Pre-Hearing Conferences

Upon written request to the Hearing Officer hearing—officer by the Securities

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Department or any respondent, the parties may be directed by the Hearing Officer hearing—officer to appear at a specified date, time and place for a pre-hearing conference, that may be held telephonically, prior to the date set for hearing in the particular proceeding or, without notice on the date and at the place set for such hearing and prior to the commencement thereof or during the course of such hearing, for the purpose of formulating issues and considering:

- The simplification of issues;
- The necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation with respect to matters alleged in any Notice of Hearing;
- The possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;
- The limitation of the number of witnesses; and
- The propriety of prior mutual exchange between or among parties of prepared testimony or exhibits, and
- Any other matters that may aid in the disposition of the hearing.

(Source: Amended 22 Ill. Reg. 1033, effective JAN 01 1938)

## Section 130.1123 Orders

- a) The Hearing Officer hearing—officer shall prepare proposed findings of fact, conclusions of law, and recommendations to the Secretary. The proposed findings of fact and conclusions of law shall be stated separately.

- b) Any Order of the Secretary issued without a hearing pursuant to a summary or temporary order as provided under Section 11(E) of the Illinois Securities Law of 1953 or Section 5-45(c) and Section 5-65(1) of the Business Opportunity Sales Act of 1995 or Section 10-55(e) of the Illinois Business Brokers Act of 1995 or Section 15-55(e) of the Illinois Loan Brokers Act of 1995 Act shall advise the respondent that any action for judicial review of the final order must be commenced within 35 days from the date a copy of the Order is served upon the party seeking review, pursuant to the provisions of the Administrative Review Law.

- c) The Order of the Secretary shall be the decision of the Securities Department upon issues contested or stipulated to at the hearing, or presented at a hearing in which the respondent defaults, or alleged in an Order which may be made final without a hearing pursuant to Section 11(F)(4) of the Illinois Securities Law of 1953 Act, or alleged in a summary or temporary order which may be made final without a hearing pursuant to Section 11(E) or 11(F) of the Illinois Securities Law of 1953 or Section 5-45(c) and Section 5-65(1) of the Business Opportunity Sales Act of 1995 or Section 10-55(e) of the Illinois Business Brokers Act of 1995 or Section 15-55(e) of the Illinois Loan Brokers Act of 1995 Act; or upon issues which are resolved without a



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

hearing pursuant to Section 10-25(c) of the Illinois Administrative Procedure Act (411-Rev. Stat., 1939, ch. 127, par. 484b-25(c)) 15 ILCS 100/10-25(c)).

- d) The Secretary after reviewing the hearing record may:
- 1) accept or reject in whole or in part the proposed findings of fact, proposed conclusions of law or the proposed recommendations of the Hearing Officer Hearing-officer;
  - 2) require the submission of additional information, documentation or testimony; or
  - 3) order the Hearing Officer hearing-officer to conduct a rehearing, or or--an-additional-hearing-upon-becoming-aware-of--newly-discovered-evidence;
  - 4) order the Hearing Officer to conduct an additional hearing upon becoming aware of newly discovered evidence.
  - e) In addition to any other sanctions, a default order Default-orders shall be entered against the respondent, where the respondent fails to appear for the hearing at the scheduled time and date, and has failed to request or been granted a continuance in accordance with Section 130.1111 of this Part.
  - f) A final order of the Secretary shall be in writing. A copy of the final order shall be delivered or mailed by registered or certified mail, return receipt requested, to each party or his, her or its representative or attorney at such person's last known address.
  - g) The final order of the Secretary shall constitute a final administrative decision within the provisions of the Administrative Review Law.

(Source: Amended at 22 Ill. Reg. 1033, effective JAN 01 1938)

## Section 130.1124 Burden of Proof

Except as provided in Section 15 of the Illinois Securities Law of 1953 or Section 5-70 of the Business Opportunities Sales Law of 1995, the burden of proof is upon the Securities Department in all cases initiated by the Securities Department. The standard of proof is a preponderance of the evidence. The standard of proof is a preponderance of the evidence. Evidence of a greater weight or more convincing than that offered in opposition to it:

(Source: Amended at 22 Ill. Reg. 1033, effective JAN 01 1938)

## Section 130.1126 Open Hearings

Hearings shall be open to the public and may not be recorded by the public or any respondent by any electronic means other than as set forth in Section 130.1121 of this Part. may-only-be-recorded-by-any-person-by-audio-tape-

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(Source: Amended at 22 Ill. Reg. 1033, effective JAN 01 1938)

## Section 130.1129 Application for Hearing to Present Newly Discovered Evidence

- a) Any party who receives a final order of the Secretary may within ten days after receipt of the final order file an application a-motion in writing with the Secretary or his or her designee requesting that a hearing be granted to present newly discovered evidence. The application motion shall be supported by affidavit specifying the reason such evidence was unavailable at the time of hearing.
- b) Any application motion by a party for a hearing to present newly discovered evidence shall only stay the effective date of the Order entered by the Secretary for the purpose of filing for an administrative review under the Administrative Review Law.
- c) If a timely application for a hearing to present newly discovered evidence is made, the time for filing an administrative review complaint shall begin to run upon the issuance of the Secretary's Order dismissing of the respondent's application.

(Source: Amended at 22 Ill. Reg. 1033, effective JAN 01 1938)

## Section 130.1130 Failure to Comply With Order or Rules

If a party, or any person at the instance of or in collusion with a party, unreasonably refuses to comply with any provision of Section 130.1115 of this Part after being ordered by the Hearing Officer to comply, or fails to comply with any order entered pursuant to this Part, the Hearing Officer, on motion, may enter such orders as are just, including among others, the following:

- a) That further proceedings be stayed until the order or rule is complied with;
- b) That the offending party be debarred from filing any other pleading relating to any issue to which the refusal or failure relates;
- c) That a witness be barred from testifying concerning that issue;
- d) That, as to the claims or defense asserted to which that issue is material, a recommendation for a final order by default be entered against the offending party or that his action be dismissed with or without prejudice; or
- e) That any portion of his pleadings relating to that issue be stricken and, if thereby made appropriate, Findings of Fact and Conclusions of Law be entered as to that issue.

In lieu of or in addition to the foregoing, the Hearing Officer may order that the offending party pay the reasonable expenses including attorney's fees incurred by any party as a result of the misconduct.

(Source: Amended at 22 Ill. Reg. 1033, effective JAN 01 1938)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## Section 130.1131 Application to Vacate an Order Issued Due to Default

- a) Any party who receives an order, based on a failure to answer or otherwise plead, or a failure to appear at the hearing, may within ten days after receipt of the order file an application in writing with the Secretary of State or his designee requesting that the order be vacated. The application shall be supported by an affidavit specifying the reason the party was unable to file an answer. Otherwise plead, or appear at the hearing. The State may issue an order vacating the default, ordering an answer, and setting a date for a new hearing on proper legal grounds. If a supplemental hearing is ordered, the Secretary of State may order that the evidence presented at the previous hearing, including testimony of witnesses, may be considered by the hearing officer without the need for presenting the evidence at the supplemental hearing.
- c) Any application by a party to vacate an order issued due to default shall only stay the effective date of the order entered by the Secretary of State for the purpose of filing an administrative review under the Administrative Review Law (735 ILCS 5/Art. III). If the party's application to vacate is denied by the Secretary, the Order of Default shall be considered the final order for purposes of the Administrative Review Law.
- d) If a timely application to vacate an order issued due to default is made, the time for filing an administrative review complaint shall begin to run upon the issuance of the Secretary's order disposing of the application to vacate an order issued due to default.

(Source: Added at 22 Ill. Reg. 1033, effective  
JAN 01 1998)

## Section 130.1132 Disqualification of a Hearing Officer

- a) A Hearing Officer assigned to a hearing may, upon written request and approval of the Secretary of State, recuse himself or herself.
- b) Whenever any party believes a Hearing Officer for any reason should be disqualified from conducting or continuing to conduct, a proceeding assigned to him or her, such party may file a motion to disqualify the Hearing Officer. The Hearing Officer shall have seven business days after filing of the motion within which to enter a written ruling. A copy of the ruling shall be served upon all parties. The Secretary of State may, on his or her own motion, review rulings denying or granting a motion for disqualification.

(Source: Added 22 Ill. Reg. 1033, effective  
JAN 01 1998)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## 1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers: 121.105  
Emergency Action:  
New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Senate Bill 320 (P.A. 90-564).

5) Effective Date of Amendments: January 1, 1998

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire. Not applicable

7) Date filed in Agency's Principal Office? January 1, 1998

8) Reason for Emergency: The Federal budget agreement last year eliminated food stamp benefits for legal immigrants as of August 22, 1996. In Illinois, the loss of federal support for food stamps has put thousands of legal immigrants in dire need of help. This rulemaking is necessary to provide food assistance to help those at the greatest risk--thousands of elderly and disabled immigrants and immigrant children. These emergency amendments implement the State Food Program which is designed to replace Food Stamp services eliminated by the federal government. Immediate implementation of these rules is necessary to provide nutrition services to these needy individuals effective January 1, 1998.

9) A Complete Description of the Subject and Issues Involved: Pursuant to provisions of Senate Bill 320 (P.A. 90-564), these proposed amendments implement the State Food Program. Senate Bill 320 (P.A. 90-564) created the State Food Program to provide food benefits for children, elderly, or disabled/blind noncitizens who, if they met food stamp citizenship rules, would qualify for food stamps. The State Food Program will begin January 1, 1998.

Senate Bill 320 (P.A. 90-564) authorizes the Department of Human Services to provide nutrition services to noncitizens who are 65 years of age or older, under 18 years of age, or disabled, and who were in the United States prior to August 22, 1996 and are not eligible for the federal Food Stamp Program due to their noncitizen status. New Section 121.105 is being proposed to create the State Food Program. The State Food Program is being created to provide assistance with the food needs of individuals ineligible for the federal Food Stamp Program. The program is designed to qualify individuals who are 65 years of age or older, or disabled. Individuals who qualify for the program and age 18 will receive \$80 in monthly food stamp benefits. Individuals who qualify for the program and are elderly or disabled will receive \$43 in

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF EMERGENCY AMENDMENTS

monthly food stamp benefits.

It is anticipated that the Illinois nutrition services program will serve about 4,7800 legal immigrants this year. Funds have been appropriated for the program through June 1956. The State Food Program will begin January 1, 1956 and end June 30, 1956. The program would cost an estimated \$9.3 million to continue in 1956.

10) Are there any proposed amendments to this Part pending? Yes

Section Numbers	Proposed Action	Illinois Register Citation
121.63	Amendment	21 Ill. Reg. 7639
121.60	Amendment	21 Ill. Reg. 5410
121.62	Amendment	21 Ill. Reg. 5410
121.64	Amendment	21 Ill. Reg. 5410
121.66	Amendment	21 Ill. Reg. 5410
121.67	Amendment	21 Ill. Reg. 5410
121.68	Amendment	21 Ill. Reg. 5410
121.69	Amendment	21 Ill. Reg. 5410
121.70	Amendment	21 Ill. Reg. 5410
121.71	Amendment	21 Ill. Reg. 5410
121.72	Amendment	21 Ill. Reg. 5410
121.73	Amendment	21 Ill. Reg. 5410
121.74	Amendment	21 Ill. Reg. 5410
121.75	Amendment	21 Ill. Reg. 5410
121.76	Amendment	21 Ill. Reg. 5410
121.77	Amendment	21 Ill. Reg. 5410
121.78	Amendment	21 Ill. Reg. 5410
121.79	Amendment	21 Ill. Reg. 5410
121.80	Amendment	21 Ill. Reg. 5410
121.81	Amendment	21 Ill. Reg. 5410
121.82	Amendment	21 Ill. Reg. 5410
121.83	Amendment	21 Ill. Reg. 5410
121.84	Amendment	21 Ill. Reg. 5410
121.85	Amendment	21 Ill. Reg. 5410
121.86	Amendment	21 Ill. Reg. 5410
121.87	Amendment	21 Ill. Reg. 5410
121.88	Amendment	21 Ill. Reg. 5410
121.89	Amendment	21 Ill. Reg. 5410
121.90	Amendment	21 Ill. Reg. 5410
121.91	Amendment	21 Ill. Reg. 5410
121.92	Amendment	21 Ill. Reg. 5410
121.93	Amendment	21 Ill. Reg. 5410
121.94	Amendment	21 Ill. Reg. 5410
121.95	Amendment	21 Ill. Reg. 5410
121.96	Amendment	21 Ill. Reg. 5410
121.97	Amendment	21 Ill. Reg. 5410
121.98	Amendment	21 Ill. Reg. 5410
121.99	Amendment	21 Ill. Reg. 5410
121.100	Amendment	21 Ill. Reg. 5410
121.101	Amendment	21 Ill. Reg. 5410
121.102	Amendment	21 Ill. Reg. 5410
121.103	Amendment	21 Ill. Reg. 5410
121.104	Amendment	21 Ill. Reg. 5410
121.105	Amendment	21 Ill. Reg. 5410
121.106	Amendment	21 Ill. Reg. 5410
121.107	Amendment	21 Ill. Reg. 5410
121.108	Amendment	21 Ill. Reg. 5410
121.109	Amendment	21 Ill. Reg. 5410
121.110	Amendment	21 Ill. Reg. 5410
121.111	Amendment	21 Ill. Reg. 5410
121.112	Amendment	21 Ill. Reg. 5410
121.113	Amendment	21 Ill. Reg. 5410
121.114	Amendment	21 Ill. Reg. 5410
121.115	Amendment	21 Ill. Reg. 5410
121.116	Amendment	21 Ill. Reg. 5410
121.117	Amendment	21 Ill. Reg. 5410
121.118	Amendment	21 Ill. Reg. 5410
121.119	Amendment	21 Ill. Reg. 5410
121.120	Amendment	21 Ill. Reg. 5410
121.121	Amendment	21 Ill. Reg. 5410
121.122	Amendment	21 Ill. Reg. 5410
121.123	Amendment	21 Ill. Reg. 5410
121.124	Amendment	21 Ill. Reg. 5410

11) Statement of Statewide Policy Objectives (if applicable): These emergency amendments do not affect units of local government.

12) Information and questions regarding this amendment shall be directed to:

Ms. Susan Warner Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Illinois Department of Human Services  
100 South Grand Avenue East  
Third Floor, Harris Building  
Springfield, IL 62762  
(217) 785-9772  
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF EMERGENCY AMENDMENTS

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER 1: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 121

## FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.18	Work Requirement
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply
121.26	Period of Sanction
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.42	Exempt Earned Income
121.50	Income from Work/Study/Training Programs
121.51	

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Monthly Reporting
121.92	Retrospective Budgeting
121.93	Assurance of Food Stamp Benefits
121.94	Replacement of the EBT Card or Food Stamp Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for Food Coupons
121.97	Supplemental Payments
121.98	Client Training for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program



## DEPARTMENT OF HUMAN SERVICES

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## NOTICE OF EMERGENCY AMENDMENTS

## NOTICE OF EMERGENCY AMENDMENTS

## EMERGENCY

121.120 Recertification of Eligibility  
 121.130 Residents of Shelters for Battered Women and their Children  
 121.131 Receiving Felons and Probation/Parole Violators  
 121.135 Incorporation By Reference  
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section  
 121.150 Penalties for Intentional Violations of the Program  
 121.151 Penalties for Intentional Violations of the Program  
 121.152 Notification To Applicant Households  
 121.153 Disqualification Upon Finding of Intentional Violation of the Program  
 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section  
 121.160 Persons Required to Participate  
 121.162 Participation and Cooperation Requirements  
 121.164 Orientation  
 121.166 Assessment and Employability Plan  
 121.170 Job Search Component  
 121.172 Basic Education Component  
 121.174 Job Readiness Component  
 121.176 Work Experience Component  
 121.178 Job Training Component  
 121.180 Grant Diversion Component  
 121.182 Earnfare Component  
 121.184 Sanctions  
 121.186 Good Cause for Failure to Cooperate  
 121.188 Supportive Services  
 121.190 Competitive and Fair Hearings  
 121.192 Types of Claims (Recodified)  
 121.194 Establishing a Claim for Intentional Violation of the Program  
 121.201 (Recodified)  
 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)  
 121.203 Collecting Claim Against Households (Recodified)  
 121.204 Failure to Respond to Initial Demand Letter (Recodified)  
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
 121.206 Determination of Monthly Allowment Reductions (Recodified)  
 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)  
 121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 4 Ill. Reg. 3, p. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 6188, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 16067, effective November 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 8169, effective November 24, 1983; amended at 8 Ill. Reg. 5673, effective April 16, 1984; amended at 8 Ill. Reg. 10086, effective May 1, 1984; amended at 8 Ill. Reg. 12384, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17989; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 9, 1985; amended at 9 Ill. Reg. 11334, effective July 9, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 3, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726,



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- regular medical problem; or modified for operation by or transportation of a handicapped person; or needed to participate in a transportation for essential daily activities because of climate, terrain, remoteness, or similar factors;
- ii) If the individual's vehicle is not exempt due to one of the above factors, then one vehicle with a current fair market value of no more than \$4,500 will be exempt. Any excess fair market value above \$4,500 shall be applied to the asset limit.
- c) If the individual is elderly, disabled or blind, the monthly benefit amount is \$43 per person.
- d) If the individual is under age 18, the monthly benefit amount is \$80 per person.

(Source: Emergency amendment at 22 Ill. Reg. 1154, effective January 1, 1998, for a maximum of 150 days)

## DEPARTMENT OF THE LOTTERY

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Lottery (General)
- 2) Code Citation: 11 Ill. Adm. Code 1770
- 3) Section Numbers: Proposed Action:  
1770.190 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery law [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.
- 5) Effective Date of Amendment: January 15, 1998
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable
- 7) Date Filed in Agency's Principal Office: January 15, 1998
- 8) Reason for Emergency: Revenues from the Lottery's Lotto game have been declining. Changing the Lotto game grand prize from a multi-year payout to a lump sum payout is expected to increase game sales and thereby increase transfers from the Lottery to the Common School Fund. Delayed implementation of the game change in order to accommodate general rulemaking would result in lost revenue to the State and would not be in the public interest.
- 9) A Complete Description of the Subjects and Issues Involved: The current rule provides for Lotto game grand prizes to be paid in 20 installments, provided that each recipient is entitled to receive \$1 million more. The emergency amendment deletes that requirement in order to permit a lump sum structure to be implemented beginning with the January 17, 1998 drawing. Beginning with any grand prize awarded on that date, the prize will be paid in a lump sum.
- 10) Are there any proposed amendments to this Part Pending? No
- 11) Statement of Statewide Policy Objectives: This emergency amendment neither creates nor expands a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805/3(b)].
- 12) Information and questions regarding these amendments shall be directed to:

Lisa A. Crites  
Rules Coordinator  
Illinois Department of the Lottery  
201 East Madison Street  
Springfield, IL 62702  
217/524-5253

## DEPARTMENT OF THE LOTTERY

## NOTICE OF EMERGENCY AMENDMENT

The full text of the emergency amendments begins on the next page:

## DEPARTMENT OF THE LOTTERY

## NOTICE OF EMERGENCY AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE C: LOTTERY

CHAPTER II: DEPARTMENT OF THE LOTTERY

PART 1770

LOTTERY (GENERAL)

## Section

1770.10	Definitions
1770.20	Selection of Lottery Sales Agents; License Application and Fee; On-Line Status
1770.30	Special Licenses
1770.40	License Revocation Without Prior Notice
1770.50	License Revocation, Suspension, Non-Renewal or Denial With Prior Notice
1770.60	Conditions of Licensing
1770.70	License to be Displayed
1770.80	Change of Name, Ownership, or Form of Business Organization
1770.90	Delinquent Financial Obligations
1770.100	Bonding of Agents
1770.110	License Expiration and Renewal
1770.120	Agent Financial Adjustments
1770.130	Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.140	Sales by Department Directly
1770.150	Sales by Commission, Compensation, and Ticket Purchases
1770.160	Lottery Tickets
1770.170	Lottery Games
1770.180	Drawings
1770.190	Prize Payment, Claiming of Prizes and Transfers to Common School Fund

## EMERGENCY

1770.200	Eligibility to Buy
1770.210	Sale of Promotional Items
1770.220	Priority of Rules

AUTHORITY: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.

SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. 6810, effective May 8, 1995; amended



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at 20 Ill. Reg. 15039, effective November 6, 1966; amended at 22 Ill. Reg. 15040, effective January 15, 1968 for a maximum of 150 days.

**Section 1770.190 Prize Payment, Claiming of Prizes and Transfers to Common School Fund**  
**EMERGENCY**

- a) The prize structure may vary with each game and will be established at the beginning of the game by the Director. The prize structure, odds of winning, the manner in which winners are determined, the claim period for the game and various procedural matters will be set forth in game rules and play instructions.
- b) A prize of less than \$600 may be claimed by submitting the winning Lottery ticket to a Lottery agent location which sells the type of game won, and may be paid by the Lottery agent directly from Lottery ticket sales funds on hand after the agent follows verification procedures which establish that the ticket is a winning ticket, examines the ticket for alteration, verifies that the prize claim period has not expired, and requests proof of age from the claimant if appropriate. However, when a winning ticket is presented for payment at an agent location after the expiration of any agent claim period established in game rules, the value of the winning ticket is \$600 or less, and the Department's verification procedures require, the agent shall follow the verification procedures set forth in subsection (c) below.
- c) Prizes of up to \$25,000 payable to an individual or to a name other than the taxpayer, identified by a number of Partnership identifying artificial persons may be paid by Lottery regional administrative offices subject to established claim periods, procedures and validation tests. All claims for prizes of more than \$25,000, as well as claims for lesser prizes not paid by Lottery regional offices, administrative offices or by an agent pursuant to subsection (b) of this Section, must be paid centrally by the Department. Claimants may obtain claim forms from any lottery ticket sales agent at any of the Departmental regional office, or the Department's administrative offices in Chicago or Springfield, Illinois. When initiating a claim at any of the aforesaid locations, a claimant shall complete the name and address area on the reverse of the ticket, and present proof of identification and the winning ticket. The agent or Department employee, as applicable, will assist the claimant in filling out the claim form which will be signed by the agent or employee and by the claimant or his or her authorized representative. The claimant or authorized representative will receive a copy of the claim form as a receipt. The winning ticket and a copy of the claim form will be sent to the Department's central offices in Springfield, Illinois, for verification. When the ticket is verified as a winning ticket, the prize will be mailed to the claimant. Prizes in the amount of \$1,000,000 or more may be claimed only at the Department's administrative offices in Springfield and Chicago, and absent

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- d) extenuating circumstances, only by appointment so that appropriate Department personnel are available to assist in the claim process. Prizes of less than \$600 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, shall be claimed in the individual name of one of the partners or members of the group. Payment of any claim of one of the partners or members of the group shall be in the same manner as if filed on behalf of a single claimant.
- e) Prizes of \$600 up to \$1,000,000 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, may be claimed in the individual name of one of the partners or members of the group. Any claim filed on behalf of such an individual group member shall be filed in the same manner as if filed on behalf of a single claimant, but must be accompanied by a form 5754 setting forth the names, addresses, social security numbers and prize shares of all other persons entitled to a share of this prize. The Department will process the voucher payable to each individual listed on the form 5754, dividing the winnings equally, or otherwise as directed by the Office of the Comptroller, will then process payment vouchers to the Office of the Comptroller for preparation of warrants and end of year income tax withholding documents. Claim and payment may be made in a partnership name only if the Partnership furnishes a Federal Employer's Identification Number (FEIN).
- f) Prizes in the amount of \$1,000,000 or more claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, must be claimed in a partnership or group name. Payment will be made out to a partnership as a single payee, or to each of the individual partners or group members, as requested in writing by the winners and provided that each individual's gross annual payment will equal or exceed \$5,000. Partnership claims shall include the name, address and (if one check is requested) Federal Employer's Identification Number of the partnership, the ticket and claim form must be signed by one of the general partners on behalf of the partnership, and the claim form must be accompanied by a form 5754 setting forth the names, addresses, social security numbers and prize shares of each partner. Prior to payment, the partnership must submit a written partnership agreement evidencing, at a minimum, that an oral agreement for group play existed prior to the purchase of the winning lottery ticket. The partnership agreement shall be subject to review by the Department's legal staff, and may not contain provisions contrary to law. Where separate checks have been requested, the partnership must additionally furnish payment instructions for each partner. Group claims shall include a group name and the address and Social Security Number of the representative signing the ticket and claim form, and be accompanied by a form 5754 setting forth the names, addresses, Social Security Numbers and prize shares of all group members. A group play agreement

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may additionally be required. Claims by other entities such as corporations or trusts must be in the name of the entity as established prior to ticket purchase. Provide the taxpayer identification number of the entity and be signed by an authorized representative. Payment will be in the name and under the taxpayer identification number of the claiming entity.

- g) Lottery clubs, charitable organizations, corporations, partnerships and other "artificial" persons shall be eligible to purchase lottery tickets. However, with respect to awards of prizes for life, such "artificial" persons shall be entitled to the minimum guaranteed prize.

- h) Except as provided herein for the game commonly known as "Bottom-the-Department" and the State Treasury will invest sufficient funds to purchase federal tickets equal to the Grand Prize amount less 1/10th of that amount to be paid in cash at the time of the prize claim the balance of the prize will be paid in nineteen annual installments. The Grand Prize will be divided by the number of Grand Prize winners to determine the prize amount per winner. If the number of Grand Prize winners is greater than the number of millions of dollars in the advertised Grand Prize, the cash available will be divided by the number of winners and paid in a single lump sum. The amount of lower tier prizes will be determined by dividing each of the prize pools by the number of winners for each respective prize level and rounding each prize payment down to the nearest fifty-cent unit or otherwise provided in game rules. Prizes claimed but unpaid at the time of a prize winner's death shall be treated as follows:

- 1) Any prize, or portion thereof remaining unpaid at the death of a winner, may be paid to the estate of such deceased prize winner, or to the designated trustee under a revocable living trust established by the deceased prize winner, as settlor, provided a copy of such trust has been filed with the Department, along with a certified declaration from the settlor, and no written notice of revocation has been received by the Department prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the Director shall obtain from the trustee and each trust beneficiary a written agreement to indemnify and hold the Department harmless with respect to any claims that may be asserted against the Department arising from payment to, or through the trust.

- 2) The payment of prize installments due with respect to a prize winner whose death occurs prior to payment of the final installment may be accelerated. At the election of the estate or successor trustee, the estate or trustee may have the option to request, within six months from the date of death, that the annuity or equivalent investment securities procured by the Department for purposes of generating annual installment prize payments be liquidated at current market value and paid over to

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the personal representative of the estate or beneficiary successor trustee, as appropriate. Upon receipt of notice of election to liquidate the remaining prize, if the prize payment has been structured through purchase of an annuity and the annuity contract permits early liquidation, the Department shall promptly notify the annuity company and request that the annuity be liquidated and the commuted (check) value be paid to the personal representative or successor trustee. If the Department has procured investment securities to generate income for satisfaction of future prize installments, the Department, as soon as practicable after such notification, and without jeopardy to the common investment position of securities purchased in connection with payment of future installments to other winners of Grand Prizes from the same drawing date as decedent, shall offer such securities for market sale and shall pay the personal representative or successor trustee the proceeds of sales attributable to decedent's prize. Prior to such distribution, the Department shall deduct from the proceeds of sales such sum as may be required to absorb from the proceeds of sales such sum requesting liquidation, any penalties or losses incidental to sale, and to restore the investment position of securities purchased with respect to any other same-date winners. The proceeds position held prior to liquidation of the prize shall be distributed date attributable to decedent's prize shall be distributed. Prizes shall be distributed upon the liquidation of any prize, the Department shall obtain from each personal representative or successor trustee requesting such liquidation a complete release of any further liability of the Department for further payment with respect to the decedent's prize upon liquidation as provided herein, and the Department in liquidating the investment vehicle for any such prize shall be discharged of any further liability with respect to such prize beyond the amount actually realized through liquidation. Any election pursuant to this subsection must be in writing and shall be irrevocable.

- 1) Cash prizes must be claimed within a claim period set by Departmental directive and the game rules establishing claim periods for respective games offered by the Department. Unclaimed prize money shall be retained by the Director for the person entitled thereto, for the claim period after the date of the drawing in which the prize is won, as established by game rule. Thereafter, said unclaimed prize funds will be managed as provided in statute.

- 2) Winning tickets which provide entry into a Preliminary Grand Prize drawing for any instant game must be filed with the Department by the deadline established in the game rules. Entry tickets filed after the Preliminary Grand Prize qualification drawing for the game with respect to which the tickets were sold will be entered into the Preliminary Grand Prize Drawing pool for the next game drawing subsequent to filing of such tickets, provided that no such ticket

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will be eligible for entry into a subsequent drawing unless filed with the Department, within 120 days of the announced end of the game for which the ticket was originally sold, provided, however, that the director may establish lesser claim periods for specific games by directive and game rule.

k) For prizes in excess of \$10,000, a winner must identify his or her place of employment if any, to ensure the winner is not prohibited from lottery play under the rules.

l) Each partner must furnish employment information. The net revenues accruing from the sale of lottery tickets shall be determined by deducting from total revenues the payments of prizes to holders of winning tickets and payment of costs incurred in the operation and administration of the Department. The Department may transfer income in excess of current operating needs to the Common School Fund.

(Source: Amended at 22 Ill. Reg. 1034, effective January 15, 1998 for a maximum of 150 days)

## COMPTROLLER MERIT COMMISSION

## JANUARY 1998 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Merit Commission Rules (80 Ill. Adm. Code 100)

## 1) Rulemaking:

A) Description: The rules provide the Merit Commission with the power to review and investigate personnel policies and administrative practices to ensure that they are in compliance with the Merit Employment Code. Upon written recommendations by the Director of Personnel, the rules provide the Commission authority to exempt positions from the provisions of the Merit Employment Code. The Merit Commission rules also provide protection from unjust discharge, suspension, decision regarding transfers of employees of the Office of the Comptroller and outlines procedures to hear allocation appeals and approve or disapprove written charges of employees of the Office of the Comptroller.

B) Statutory Authority: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410]

C) Scheduled meeting/hearing dates: January 15, 1998; February 19, 1998; March 19, 1998; April 16, 1998; May 21, 1998; June 18, 1998.

D) Date agency anticipates First Notice: The Merit Commission does not anticipate any rule changes.

E) Affect on small businesses, small municipalities or not for profit corporations: N/A

F) Agency contact person for information:

Bruce Stratton, Chairman  
Comptroller Merit Commission  
325 West Adams Street  
Springfield, Illinois 62704-1858  
(217)785-1127

G) Related rulemakings and other pertinent information: N/A

## STATE BOARD OF EDUCATION

## JANUARY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1.

1) Rulemaking:

- A) Description: Two recent public acts affect various portions of this Part. Changes will be made to conform the content of these rules to P.A. 90-98 (delayed start of school day/adverse weather) and P.A. 90-548 (use of state assessment scores in student promotion decisions; employment of noncertified registered professional nurses for noninstructional duties).

- B) Statutory Authority: 105 ILCS 5/2-3.6

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: March 15, 1998

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

- G) Related rulemakings and other pertinent information:

- b) Part(s) (Heading and Code Citation): Certification; 23 Ill. Adm. Code 25.

1) Rulemaking:

- A) Description: Comprehensive changes will be needed in Part 25 to respond to P.A. 90-548, which calls for changes in the issuance and renewal of teaching and administrative certificates as well as changes in the system of examinations and indicators used to qualify candidates.

- B) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6

- C) Scheduled meeting/hearing date: To be announced.

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- D) Date agency anticipates First Notice: October 15, 1998

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

- G) Related rulemakings and other pertinent information: Some of the changes made by P.A. 90-548 may require emergency rulemaking, i.e., those establishing alternative routes to certification for teachers and administrators. Such rulemaking would be published in the spring of 1998 as both emergency rules and concurrently proposed ordinary rules.

- c) Part(s) (Heading and Code Citation): Evaluation of Certified School District Employees in Contractual Continued Service; 23 Ill. Adm. Code 30.

1) Rulemaking:

- A) Description: The portions of this Part that deal with the content of school districts' evaluation plans will be changed to conform to the provisions of P.A. 90-548.

- B) Statutory Authority: 105 ILCS 5/24A-7

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: January 16, 1998

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541



## STATE BOARD OF EDUCATION

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- C) Related rulemakings and other pertinent information:
- d) Part(s) (Heading and Code Citation): Dismissal of Tenured Teachers; 23 Ill. Adm. Code 31.
- 1) Rulemaking:
- A) Description: Part 51 will be amended to bring its provisions into conformance with the changes made in Section 24-12 of the School Code by P.A. 90-224.
- B) Statutory Authority: 105 ILCS 5/24-12, as amended by P.A. 90-224, effective July 23, 1997.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 15, 1998
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

- G) Related rulemakings and other pertinent information:
- e) Part(s) (Heading and Code Citation): Temporary Relocation Expenses; 23 Ill. Adm. Code 145.

1) Rulemaking:

- A) Description: These rules will be changed in accordance with P.A. 90-464, which makes funds available for temporary relocation expenses under an expanded range of circumstances.

- B) Statutory Authority: 105 ILCS 5/2-3.77

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: May 1, 1998

## STATE BOARD OF EDUCATION

## JANUARY 1998 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541
- G) Related rulemakings and other pertinent information:
- f) Part(s) (Heading and Code Citation): Elementary and Secondary School Capital Assistance Program; 23 Ill. Adm. Code 150.

1) Rulemaking:

- A) Description: This Part will be revised in light of the school construction and debt service grants established by P.A. 90-548.
- B) Statutory Authority: The School Construction Law (not yet codified; please see P.A. 90-548, effective January 1, 1998).
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 15, 1998
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

- G) Related rulemakings and other pertinent information:

- g) Part(s) (Heading and Code Citation): Block Grant for School Improvement; 23 Ill. Adm. Code 160.

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## JANUARY 1998 REGULATORY AGENDA

## 1) Rulemaking:

- A) Description: Part 160 will be revised to reflect the establishment of the Professional Development Block Grant Program under P.A. 90-548.
- B) Statutory Authority: 105 ILCS 5/1C-2, as amended by P.A. 90-548, effective January 1, 1998.

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: July 1, 1998

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

G) Related rulemakings and other pertinent information:

- b) Part(s) (Heading and Code Citation): Health/Life Safety Code for Public Schools; 23 Ill. Adm. Code 180.

## 1) Rulemaking:

A) Description: Additional specificity will be added to Part 180 dealing with regional superintendents' annual inspections of school facilities.

B) Statutory Authority: 105 ILCS 5/3-14.21

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: June 15, 1998

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

## STATE BOARD OF EDUCATION

## JANUARY 1998 REGULATORY AGENDA

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

G) Related rulemakings and other pertinent information:

- i) Part(s) (Heading and Code Citation): Disadvantaged Students Funds Plan - Districts between 1,000 and 50,000 ADA; 23 Ill. Adm. Code 201; Disadvantaged Students Funds Plan - Districts Over 50,000 ADA; 23 Ill. Adm. Code 202.

## 1) Rulemaking:

A) Description: Both Part 201 and Part 202 are affected by the new Section 18-8.05 added to the School Code by P.A. 90-548. Cross-references will have to be updated, and the changes made between Section 18-8 and Section 18-8.05 will need to be correctly reflected in both these sets of rules.

B) Statutory Authority: 105 ILCS 5/18-8.05(H)(3) and (4), as added by P.A. 90-548, effective July 1, 1998.

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 15, 1998

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

G) Related rulemakings and other pertinent information:

- j) Part(s) (Heading and Code Citation): Transitional Bilingual Education; 23 Ill. Adm. Code 228.

## 1) Rulemaking:

## STATE BOARD OF EDUCATION

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A) Description: P.A. 90-463 changed the due date for school districts' filing of final, adjusted claims for reimbursement for bilingual education programs from August 20 each year to July 20. A minor amendment is needed to conform the rules to Section 14C-12 of the School Code as amended by that Act.

B) Statutory Authority: 105 ILCS 5/2-3.39

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: March 1, 1998

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

G) Related rulemakings and other pertinent information:

k) Part(s) (Heading and Code Citation): Preschool Educational and Coordinated Model Preschool Educational Programs; 23 Ill. Adm. Code 235.

1) Rulemaking:

A) Description: The rules for this program will need to be changed to reflect the block grant program established by P.A. 90-548.

B) Statutory Authority: 105 ILCS 5/2-3.71

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: July 1, 1998

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

## STATE BOARD OF EDUCATION

## JANUARY 1998 REGULATORY AGENDA

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

G) Related rulemakings and other pertinent information:

l) Part(s) (Heading and Code Citation): Reading Improvement Program; 23 Ill. Adm. Code 260.

1) Rulemaking:

A) Description: Changes will be needed in Part 260 to incorporate the block grant provisions included in P.A. 90-548.

B) Statutory Authority: 105 ILCS 5/2-3.51

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: July 1, 1998

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

G) Related rulemakings and other pertinent information:

m) Part(s) (Heading and Code Citation): Pupil Transportation; 23 Ill. Adm. Code 275.

1) Rulemaking:

A) Description: P.A. 90-108 added to the Vehicle Code a requirement for the use of crossing control arms on school buses and authorized the State Board to promulgate rules for the operation of these devices. These specifications will be added to Part 275.

## STATE BOARD OF EDUCATION

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- B) Statutory Authority: 625 ILCS 5/12-807.2, as added by P.A. 90-108, effective July 1, 1997.

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates first notice: May 15, 1998

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

- G) Related rulemakings and other pertinent information:

- n) Part(s) (Heading and Code Citation): Public University Laboratory Schools; 23 Ill. Adm. Code 452.

## 1) Rulemaking:

- A) Description: Part 452 needs to be updated to reflect laboratory schools' newly assigned eligibility for grants from the State Board of Education and to revise the reporting requirements applicable to such schools pursuant to P.A. 90-548.

- B) Statutory Authority: 105 ILCS 5/18-8.05(K), as added by P.A. 90-548, effective July 1, 1998.

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates first notice: May 1, 1998

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street

## STATE BOARD OF EDUCATION

## JANUARY 1998 REGULATORY AGENDA

Springfield, IL 62777  
(217) 782-0541

- G) Related rulemakings and other pertinent information:

- o) Part(s) (Heading and Code Citation): School Technology Program; 23 Ill. Adm. Code 575.

## 1) Rulemaking:

- A) Description: Rules will be needed for the administration of the school technology revolving loan program established by P.A. 90-548.

- B) Statutory Authority: 105 ILCS 5/2-3.117

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates first notice: April 1, 1998

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

- G) Related rulemakings and other pertinent information:

- p) Part(s) (Heading and Code Citation): Liability Coverage for Certified Employees; 23 Ill. Adm. Code \_\_\_\_.

## 1) Rulemaking:

- A) Description: P.A. 90-548 requires the State Board of Education to arrange for liability coverage for certified school employees at no cost to those who accept it. Rules will be needed to establish the application procedure for this coverage.

- B) Statutory Authority: 105 ILCS 5/2-3.124, as added by P.A. 90-548, effective January 1, 1998.



## STATE BOARD OF EDUCATION

## JANUARY 1998 REGULATORY AGENDA

- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: June 15, 1998
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:  
Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541
- G) Related rulemakings and other pertinent information:  
Placement of these rules within the codification scheme is uncertain at this time, and no Part number can be specified yet.
- q) Part(s) (Heading and Code Citation): General State Aid Adjustment Grant; 23 Ill. Adm. Code 115 (new Part).

## 1) Rulemaking:

- A) Description: P.A. 90-548 established a General State Aid Adjustment Grant for which certain school districts will be eligible. Rulemaking is needed to establish the timelines and procedures relevant to claims under this program.
- B) Statutory Authority: 105 ILCS 5/18-8.05(N), as added by P.A. 90-548, effective July 1, 1998.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 1, 1998
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:  
Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777

## STATE BOARD OF EDUCATION

## JANUARY 1998 REGULATORY AGENDA

- (217) 782-0541
- G) Related rulemakings and other pertinent information:  
r) Part(s) (Heading and Code Citation): Special Program Grants; 23 Ill. Adm. Code 220.
- 1) Rulemaking:
- A) Description: P.A. 90-498 established a pilot program for the study and evaluation of autism, including related teacher training. Rules are needed to establish application procedures for this program, and these will be included in the agency's reorganization and consolidation of several existing sets of rules into a revised Part 220 (see the July 1997 Regulatory Agenda).
- B) Statutory Authority: 105 ILCS 5/2-3.120, as added by P.A. 90-498, effective July 1, 1997.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 15, 1998
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:  
Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541
- G) Related rulemakings and other pertinent information:

## ILLINOIS GAMING BOARD

## JANUARY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Riverboat Gambling, 86 Ill. Adm. Code 3000

## 1) Rulemaking:

A) Description: Rulemaking is being considered to authorize the use of 1/4 format cameras for required surveillance under Section 3000.800; the 1/4 format appears to have the required resolution quality, and is smaller, easier to install, and less expensive. An amendment to Section 3000.660 is being considered that will accommodate the use of "FLASH" memory chips in slot machines. Consideration is also being given to revising the definition of "key person" in Section 3000.100, and Section 3000.235 may be changed to more clearly establish the types of transfers of ownership interests that must be approved by the Board. Other rules may need to be amended to fully effectuate these changes.

B) Statutory Authority: Riverboat Gambling Act, 230 ILCS 10

C) Scheduled meeting/hearing date: The schedule of Illinois Gaming Board meeting dates has been adopted for 1998, although no specific schedule for Board review of proposed rulemakings has been established at this time. Prior to Board consideration and action in a public meeting, changes to the rules will be discussed with licensees and their representatives.

D) Date agency anticipates First Notice: During the first six months of 1998.

E) Affect on small businesses, small municipalities, or not for profit corporations: None expected.

## F) Agency contact person for information:

Marella B. Cusack  
Chief Counsel  
Illinois Gaming Board  
160 N. LaSalle, Suite 300S  
Chicago, IL 60601  
(312) 814-4700; FAX (312) 814-4602

G) Related rulemakings and other pertinent information: Part 3000, the rules of the Gaming Board, is the subject of proposed amendments published at 21 Ill. Reg. 13444 and 22 Ill. Reg. 93, as well as emergency amendments adopted at 21 Ill. Reg. 14566 and 22 Ill. Reg. 978.

## DEPARTMENT OF INSURANCE

## JANUARY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Required Procedure for Filing and Security Approval of Life Insurance, Annuity and Accident and Health Insurance; Voluntary Health Service Plans, Vision Service Plans, Dental Service Plans, Pharmaceutical Service Plans, Limited Health Service Organizations and Health Maintenance Organizations Policy Forms, 50 Ill. Adm. Code 916.

## 1) Rulemaking:

A) Description: The definition Section of this Part will be amended to provide additional clarification and the Coding Guide found in Exhibit B of this Part will also be revised. In addition to these housekeeping changes, the Department will be adding standards for electronic filing of policy forms on diskette.

B) Statutory Authority: [215 ILCS 5/143, 110/10, 125/5-3, 135/24 and 160/10]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: June 1998

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments should have no effect on small businesses.

## F) Agency contact person for information:

Ron Kotowski or Nancy Simpson  
Department of Insurance  
320 West Washington Street  
Fourth floor  
Springfield, IL 62767-0001  
(217) 782-4254 or (217) 782-1771

## G) Related rulemakings and other pertinent information:

- a) Part(s) (Heading and Code Citation): Life Insurance and Annuity Replacement Regulation, 50 Ill. Adm. Code 917.

## 1) Rulemaking:

A) Description: This Part will be amended to comply with recent changes to the NAIC model regulation regarding replacement.

## DEPARTMENT OF INSURANCE

## JANUARY 1998 REGULATORY AGENDA

- B) Statutory Authority: [215 ILCS 5/401]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: June 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments should have no effect on small businesses.
- F) Agency contact person for information:  
 John Hooker  
 Department of Insurance  
 320 West Washington Street  
 Fourth Floor  
 Springfield, IL 62767-0001  
 (217) 782-8638

G) Related rulemakings and other pertinent information:

- c) Part(s) (Heading and Code Citation): Accelerated Life Benefit/Terminal Illness/Qualified Conditions, 50 Ill. Adm. Code 1407.

1) Rulemaking:

- A) Description: This Part will be amended to allow insurance companies to combine accelerated life benefits with qualified conditions into one policy form if they so choose.
- B) Statutory Authority: [215 ILCS 5/4]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: June 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: This amendment should have no effect on small businesses.
- F) Agency contact person for information:  
 Betty Jo Teer  
 Department of Insurance  
 320 West Washington Street  
 Fourth Floor

## DEPARTMENT OF INSURANCE

## JANUARY 1998 REGULATORY AGENDA

Springfield, IL 62767-0001  
 (217) 785-7349

G) Related rulemakings and other pertinent information:

- d) Part(s) (Heading and Code Citation): Minimum Standards for Individual and Group Medicare Supplement Insurance, 50 Ill. Adm. Code 2008.

1) Rulemaking:

- A) Description: This Part will be amended to comply with recent changes to the NAIC model regulation and will also incorporate elements of President Clinton's Balanced Budget Act. In addition, this Part will now require insurance companies providing Medicare supplement insurance to identify the policy plan and insurer name on the I.D. card of the insured.
- B) Statutory Authority: [215 ILCS 5/363, 363a and 401]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: January 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments should have no effect on small businesses.
- F) Agency contact person for information:  
 Linda Fritz  
 Department of Insurance  
 320 West Washington Street  
 Fourth Floor  
 Springfield, IL 62767-0001  
 (217) 785-7350

G) Related rulemakings and other pertinent information:

- e) Part(s) (Heading and Code Citation): Group Coordination of Benefits, 50 Ill. Adm. Code 2009.

1) Rulemaking:

- A) Description: This Part will be amended to comply with recent changes to the NAIC model regulation.

## DEPARTMENT OF INSURANCE

## JANUARY 1998 REGULATORY AGENDA

- B) Statutory Authority: [215 ILCS 5/367 and 401]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: June 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments should have no effect on small businesses.

F) Agency contact person for information:

Scott Richardson  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, IL 62767-0001  
(217) 785-9022

G) Related rulemakings and other pertinent information:

- f) Part(s) (Heading and Code Citation): Health Care Purchasing Groups, 50 Ill. Adm. Code New

1) Rulemaking:

- A) Description: This new rule will implement P.A. 90-0337 effective January 1, 1998.
- B) Statutory Authority: [215 ILCS 123/1]
- 1) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: June 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: This amendment may affect small businesses.
- F) Agency contact person for information:

Cindy Colonies  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, IL 62767-0001

## DEPARTMENT OF INSURANCE

## JANUARY 1998 REGULATORY AGENDA

(217) 524-0663

G) Related rulemakings and other pertinent information:



## SECRETARY OF STATE

## JANUARY 1998 REGULATORY AGENDA

a) Part(s)(Heading and Code Citation): Rulemaking, 1 Ill. Adm. Code 1001) Rulemaking:

A) Description: In order to make the Illinois Administrative Code easier to use by the public, the codification system will be changed to mirror the Illinois Compiled Statute (ILCS). The Chapter number and General Act from ICs along with the existing Part number will make up a new ILAC citation. The Code will be reduced from seven major divisions to five with Titles, Subtitles and Subchapters being eliminated. The codification change of the approximate 2,000 Parts in the Code will be completed in 2001.

B) Statutory Authority: 5 ILCS 100

C) Scheduled meeting/hearing dates: None scheduled at this time.

D) Date agency anticipates First Notice: February 1998

E) Affect on small businesses, small municipalities or not for profit corporations: Although the text of rules will not change, the numbering system will change and businesses subject to rules will have to become acquainted with the new codification system.

F) Agency contact person for information:

Joseph Natale  
Illinois Administrative Code  
111 E. Monroe  
Springfield, IL 62756  
217-782-4414  
jnatale@ccgate.sos.state.il.us

G) Related rulemakings and other pertinent information: Other changes being made are reducing the amount of paperwork agencies must submit to the Code Divisions, and redundancies in the Part will be eliminated to make the rule more concise.

b) Part(s)(Heading and Code Citation): Regulations Under the Illinois Securities Law of 1953, 14 Ill. Adm. Code 1301) Rulemaking:

A) Description: Amend or add new rules as may be necessary to clarify procedures or filing requirements.

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## JANUARY 1998 REGULATORY AGENDA

B) Statutory Authority: Implementing and authorized by the Illinois Securities Law of 1953, Section 11.A.

C) Scheduled meeting/hearing dates: None scheduled at this time.

D) Date agency anticipates First Notice: Unknown

E) Agency contact person for information:

Theresa Oxtoby  
520 South Second Street, Suite 200  
Springfield, IL 62701  
217/524-8040

F) Affect on small businesses, small municipalities or not for profit corporations: Unknown

G) Related rulemakings and other pertinent information: Unknown  
c) Part(s)(Heading and Code Citation): Regulations Under the Business Opportunity Law of 1995, 14 Ill. Adm. Code 135

1) Rulemaking:

A) Description: Amend Rules under the Business Opportunities Sales Law of 1995 as may be necessary to clarify procedures or filing requirements.

B) Statutory Authority: Implementing and authorized by the Illinois Business Opportunity Act (815 ILCS 602/5-70)

C) Scheduled meeting/hearing dates: Unknown

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: Unknown

F) Agency contact person for information:

Theresa Oxtoby  
520 South Second Street, Suite 200  
Springfield, IL 62701  
217/524-8040

G) Related rulemakings and other pertinent information: None  
d) Part(s)(Heading and Code Citation): Regulations Under the Loan

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## JANUARY 1998 REGULATORY AGENDA

Brokers Act of 1995, 14 Ill. Adm. Code 145

## 1. Rulemaking:

- A) Description: Amend Rules under the Illinois Loan Brokers Act of 1995 pertaining to the date of filing so that the date filed is the date received by the Department instead of the date mailed and such other changes as may be necessary to clarify procedures and filing requirements.
- B) Statutory Authority: Implementing and authorized by the Illinois Business Broker Act (815 ILCS 307/10-45)
- C) Scheduled meeting/hearing dates: None scheduled at this time.
- D) Date agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not for profit corporations: Unknown
- F) Agency contact person for information:

Theresa Oxtoby

520 South Second Street, Suite 200

Springfield, IL 62701

217/524-8040

- G) Related rulemakings and other pertinent information: Unknown

- e) Part(s)/Heading and Code Citation: Uniform Partnership Act, 14 Ill. Adm Code 165

## 1. Rulemaking:

- A) Description: Section 165.50- This rule sets forth the methods of payment of fees. It also provides for no refunds of fees.
- B) Statutory Authority: Implementing and authorized by the Uniform Partnership Act (805 ILCS 205/1)
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: Unknown

- E) Affect on small businesses, small municipalities or not for profit corporations: The rule should have a positive impact on small business by providing a more convenient manner of payment of fees and a method of refund in case of duplication

## SECRETARY OF STATE

## JANUARY 1998 REGULATORY AGENDA

of payment.

F) Agency contact person for information:

Dale Reynolds

Department of Business Services

Room 330

Howlett Building

Springfield, Illinois 62756

217/782-9524

- G) Related rulemakings and other pertinent information: For uniformity with provisions in the other law administered by the Secretary of State, we recommend that guaranteed forms of payment be required for original filing documents only and not for renewals in certain circumstances such as duplicate payment, refunds might be given.

- f) Part(s)/Heading and Code Citation: Limited Liability Company Act, 14 Ill. Adm. Code 178

## 1. Rulemaking:

- A) Description: Section 178.145- The rule sets forth significant differences when comparing names for availability.

- B) Statutory Authority: Implementing and authorized by the Limited Liability Company Act (805 ILCS 180)

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: Unknown

- E) Affect on small businesses, small municipalities or not for profit corporations: The rule will affect but should have no adverse impact on small business subject to the provision of the Limited Liability Company Act.

F) Agency contact person for information:

Dale Reynolds

Department of Business Services

Room 330

Howlett Building

Springfield, Illinois 62756

217/782-9524

- G) Related rulemakings and other pertinent information: As a

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result of a statutory amendment to the ILCA, the rules are revised to also reflect that change that allows for the use of "LLC" without punctuation.

- g) Part(s)(Heading and Code Citation): Limited Liability Company Act 14 Ill. Adm. Code 178

## 1. Rulemaking:

- A) Description: Section 178.60 - provides for no refund of fees.
- B) Statutory Authority: Implementing and authorized by the Limited Liabilities Companies Act (805 ILCS 180)
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not for profit corporations: The rule could have a positive impact on small business subject to the Limited Liability Act, by removing an obstacle preventing refunds in case of a duplicate or unjust payment.

## F) Agency contact person for information:

Dale Reynolds  
Department of Business Services  
Room 330  
Howlett Building  
Springfield, Illinois 62756  
217/782-9524

- G) Related rulemakings and other pertinent information: In certain circumstances such as duplicate payment, refunds might be given.

- h) Part(s)(Heading and Code Citation): Illinois State Library, Information Services Division, 23 Ill. Adm. Code 3010

## 1. Rulemaking:

- A) Description: Revision of the rules to reflect needed updates regarding photocopying, circulation of materials, reserves of materials, replacement of lost and/or damaged materials, reference service, and interlibrary loan.

## SECRETARY OF STATE

## JANUARY 1998 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320]

- C) Scheduled meeting/hearing dates: None

- D) Date Agency anticipates First Notice: January 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

## F) Agency contact person for information:

Kathleen L. Bloomberg  
Illinois State Library  
South Second Street  
Springfield, IL 62701-1796  
fax 217/782-8261  
kbloomberg@library.sos.state.il.us

- G) Related rulemakings and other pertinent information: None
- i) Part(s)(Heading and Code Citation): The Illinois Library System Act, 23 Ill. Adm. Code 3030

## 1. Rulemaking:

- A) Description: To amend the rules to clarify requirements for expenditure of library system funds during the fiscal year and clarify library system membership requirements.

- B) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10/1]

- C) Scheduled meeting/hearing dates: None

- D) Date Agency anticipates First Notice: February 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

## F) Agency contact person for information:

Kathleen L. Bloomberg  
Illinois State Library  
300 South Second Street  
Springfield, IL 62701-1796  
217/785-0052  
fax 217/782-8261

## SECRETARY OF STATE

## JANUARY 1998 REGULATORY AGENDA

kbloom@library.sos.state.il.us

- G) Related rulemakings and other pertinent information: None
- J) Part(s) Heading and Code Citation: Literacy Grant Program, 23 Ill. Adm. Code 3040

## 1. Rulemaking:

- A) Description: Revise Subpart A which covers criteria and reporting requirements for grants under the Literacy Provider Program.
- B) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: February 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: No direct impact.

- F) Agency contact person for information:

Kathleen L. Bloomberg  
Illinois State Library  
South Second Street  
Springfield, IL 62701-1796  
217/785-0052  
fax 217/782-8261  
kbloom@library.sos.state.il.us

- G) Related rulemakings and other pertinent information: None

- K) Part(s) Heading and Code Citation: Public Library Construction Grants, 23 Ill. Adm. Code 3060

## 1. Rulemaking:

- A) Description: Revision of the rules to reflect changes concerning grant priorities, grant eligibility and specific criteria relating to mini-grants.

- B) Statutory Authority: Implementing and authorized by the State Library Act [75 ILCS 10/3 and 81]

## SECRETARY OF STATE

## JANUARY 1998 REGULATORY AGENDA

kbloom@library.sos.state.il.us

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Kathleen L. Bloomberg  
Illinois State Library  
South Second Street  
Springfield, IL 62701-1796  
217/785-0052  
fax 217/782-8261  
kbloom@library.sos.state.il.us

- G) Related rulemakings and other pertinent information: None

- L) Part(s) Heading and Code Citation: Illinois State Library Training Program Grants, 23 Ill. Adm. Code 3070

## 1. Rulemaking:

- A) Description: The rules will be revised to update the conditions for training program grants relating to the library employment requirements and the names of accredited graduate library schools in Illinois.

- B) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320]

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: February 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: No direct impact.

- F) Agency contact person for information:

Kathleen L. Bloomberg  
Illinois State Library  
South Second Street  
Springfield, IL 62701-1796  
217/785-0052  
fax 217/782-8261  
kbloom@library.sos.state.il.us



## SECRETARY OF STATE

## JANUARY 1999 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- m) Part(s)(Heading and Code Citation): Procedures and Standards, 92 Ill. Adm. Code 1001
1. Rulemaking:
- A) Description: The amendment would adjust and modify certain sections to accommodate changes in our current method of doing business since the rules were last revised in May of 1993.
- B) Statutory Authority: Implementing and authorized by the Motor Vehicle Franchise Act (625 ILCS 5/2-104 and 815 ILCS 710)
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: First quarter CY98
- E) Affect on small businesses, small municipalities or not for Profit corporations: None
- F) Agency contact person for information:  
 Jay Mesli, Senior Legal Advisor  
 Room 200  
 Howlett Building  
 Springfield, IL 62756  
 217/785-8237
- G) Related rulemakings and other pertinent information: None
- n) Part(s)(Heading and Code Citation): Procedures and Standards, 92 Ill. Adm. Code 1001
1. Rulemaking:
- A) Description: House Bill 1388 in effect provides for a zero tolerance three year cancellation of the school bus driver permit of any school bus operator who drives a school bus with any amount of alcohol in the driver's system. The bill provides for an administrative hearing with the Secretary of State to contest the cancellation and includes discretionary rulemaking authority to set forth the circumstances under which the driver is not required to appear in person at the hearing. This bill, if enacted, has an effective date of January 1, 1998.
- B) Statutory Authority: Implementing and authorized by the

## SECRETARY OF STATE

## JANUARY 1999 REGULATORY AGENDA

- Illinois Driver Licensing Law (625 ILCS 5/6-106.1a)
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: This rulemaking will probably be proposed in the second half of the year.
- E) Affect on small businesses, small municipalities or not for Profit corporations: None
- F) Agency contact person for information:  
 Jay Mesli, Senior Legal Advisor  
 Room 200  
 Howlett Building  
 Springfield, IL 62756  
 217/785-8237
- G) Related rulemakings and other pertinent information: None
- o) Part(s)(Heading and Code Citation): Certificates of Title, Registration of Vehicles, 92 Ill. Adm. Code 1010
1. Rulemaking:
- A) Description: Will amend existing rules or create new rules to accommodate technical and procedural changes in anticipation of or due to new legislation.
- B) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code (625 ILCS 5/2-104(b))
- C) Scheduled hearing/meeting dates: None
- D) Date agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not for Profit corporations: None
- F) Agency contact person for information:  
 Carol Sudman  
 Assistant Counsel  
 Secretary of State's Office  
 299 Howlett Building  
 Springfield, IL 62756  
 217/785-3094  
 csudman@ccgate.sos.state.il.us
- G) Related rulemakings and other pertinent information: None

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JANUARY 1998 REGULATORY AGENDA

p) Part(s)/Heading and Code Citation: Issuance of Licenses, 92 Ill. Adm. Code 1030

1. Rulemaking:

A) Description: Amended to include changes involving restrictions added to driver's licenses.

B) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5/2-104(b)]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mark Novak, Assistant Counsel  
2701 South Dirksen Parkway  
Springfield, IL 62723  
217/782-5356

G) Related rulemakings and other pertinent information: None

H) Part(s)/Heading and Code Citation: Cancellation, Revocation or suspension of licenses or permits, 92 Ill. Adm. Code 1040

1. Rulemaking:

A) Description: Amended to include administrative actions required by P.A. 90-134, concerning penalties (fleeing and eluding).

B) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5/2-104(b)]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

SECRETARY OF STATE

JANUARY 1998 REGULATORY AGENDA

Mark Novak, Assistant Counsel  
2701 South Dirksen Parkway  
Springfield, IL 62723  
217/782-5356

G) Related rulemakings and other pertinent information: None

r) Part(s)/Heading and Code Citation: Commercial Driver Training Schools, 92 Ill. Adm. Code 1060

1. Rulemaking:

A) Description: Amended to change the manner in which we take actions against commercial driving schools and to implement legislative changes to the Graduated Driver Licensing Program, as a result of P.A. 90-369 and other legislation.

B) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5/2-104(b)]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mark Novak, Assistant Counsel  
2701 South Dirksen Parkway  
Springfield, Illinois 62723  
217/782-5356

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 30, 1997 through January 5, 1998 and have been scheduled for review by the Committee at its January 14, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/12/98	Office of the State Fire Marshal, Storage, Transportation, Sale and Use of Gasoline and Volatile Oils (41 Ill Adm Code 180)	10/17/97 21 Ill Reg 13718	1/14/98
2/13/98	Pollution Control Board, Definitions and General Provisions (35 Ill Adm Code 211)	10/10/97 21 Ill Reg 13486	1/14/98
2/13/98	Pollution Control Board, Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill Adm Code 218)	10/10/97 21 Ill Reg 13505	1/14/98
2/13/98	Pollution Control Board, Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill Adm Code 219)	10/10/97 21 Ill Reg 13542	1/14/98
2/13/98	Illinois Housing Development Authority, Single Family Mortgage Purchase Program (47 Ill Adm Code 220)	10/17/97 21 Ill Reg 13749	1/14/98
2/13/98	Illinois Housing Development Authority, Single Family Mortgage Purchase Program II (47 Ill Adm Code 250)	10/17/97 21 Ill Reg 13753	1/14/98
2/13/98	Illinois Housing Development Authority, Homeowner Mortgage Revenue Bond Program (47 Ill Adm Code 260)	10/17/97 21 Ill Reg 13738	1/14/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

2/13/98	Illinois Housing Development Authority, Multifamily Rental Housing Mortgage Loan Program (47 Ill Adm Code 310)	10/17/97 21 Ill Reg 13742	1/14/98
2/13/98	Illinois Housing Development Authority, Affordable Housing Program (47 Ill Adm Code 360)	10/17/97 21 Ill Reg 13733	1/14/98
2/13/98	Illinois Housing Development Authority, Affordable Housing Bond Program (47 Ill Adm Code 365)	10/17/97 21 Ill Reg 13728	1/14/98

## ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 1997

Issue #1	January 3, 1997	1-515	Issue #41	October 10, 1997	13416-13444
Issue #2	January 10, 1997	516-731	Issue #42	October 17, 1997	13688-13950
Issue #3	January 17, 1997	732-1109	Issue #43	October 24, 1997	13951-14114
Issue #4	January 24, 1997	1110-1341	Issue #44	October 31, 1997	14115-14414
Issue #5	January 31, 1997	1342-1493	Issue #45	November 7, 1997	14415-14648
Issue #6	February 7, 1997	1494-1744	Issue #46	November 14, 1997	14648-14698
Issue #7	February 14, 1997	1745-2542	Issue #47	November 21, 1997	14699-15080
Issue #8	February 21, 1997	2543-2761	Issue #48	December 1, 1997 (Mon.)	15081-15286
Issue #9	February 28, 1997	2762-2868	Issue #49	December 5, 1997	15286-15594
Issue #10	March 7, 1997	2869-3000	Issue #50	December 12, 1997	15595-16211
Issue #11	March 14, 1997	3001-3348	Issue #51	December 19, 1997	16212-16490
Issue #12	March 21, 1997	3348-3780	Issue #52	December 26, 1997	16491-17218
Issue #13	March 28, 1997	3781-4067			
Issue #14	April 4, 1997	4067-4341			
Issue #15	April 11, 1997	4342-4893			
Issue #16	April 18, 1997	4894-5005			
Issue #17	April 25, 1997	5006-5391			
Issue #18	May 2, 1997	5392-5686			
Issue #19	May 9, 1997	5687-5967			
Issue #20	May 16, 1997	5968-6133			
Issue #21	May 23, 1997	6134-6285			
Issue #22	May 30, 1997	6286-6633			
Issue #23	June 6, 1997	6634-6942			
Issue #24	June 13, 1997	6943-7621			
Issue #25	June 20, 1997	7622-7788			
Issue #26	June 27, 1997	7789-8116			
Issue #27	July 7, 1997 (Mon.)	8117-8701			
Issue #28	July 11, 1997	8702-9292			
Issue #29	July 18, 1997	9293-9629			
Issue #30	July 25, 1997	9630-9878			
Issue #31	August 1, 1997	9879-10172			
Issue #32	August 18, 1997	10173-11377			
Issue #33	August 15, 1997	11378-11624			
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97-462 Quality Month	12/54
97-463 World Population Awareness Week	12/54
97-464 Earth Science Week	12/54
97-465 East-West University Congratulated	12/54
97-466 Good Neighbor Day	12/54
97-467 LaSalle Banks Chicago Marathon Week	12/54
97-468 Make a Difference Day	12/54
97-469 Payroll Week	12/54
97-470 Polish American Heritage Month	12/54
97-471 Women's Equality Day	12/54
97-472 Women in Construction Week	12/54
97-473 Y-ME National Breast Cancer Day	12/54
97-474 Arlene Randolph's Family and Friends Extended Condolences	12/54
97-475 Arts Week	12/54
97-476 Ways-Lakes Family Reunion Weekend	12/54
97-477 American Islamic Community Week	12/54
97-478 Bethesda Home and Retirement Day	12/54
97-479 African Festival of the Arts Day	12/54
97-480 Illinois Ambassadors of Music Congratulated	12/54
97-481 Kids Day America	12/54
97-482 Milwaukee Congratulated the City of Murals	12/54
97-483 Illinois Judicial Council Day	12/54
97-484 Young People's Help Week	12/54
97-485 Change the World of a Child Week	12/54

97-486 McNickle Center Days	12/55
97-487 Radiology Technologists Week	12/55
97-488 Sister Mary Catherine Slatz Day	12/55
97-489 Healthcare Quality Week	12/55
97-490 Landmark Awareness Week	12/55
97-491 Principals' Week	12/55
97-492 Chief Petty Officer Ziegler Congratulated	12/55
97-493 Park Smart Awareness Week	12/55
97-494 World Food Day	12/55
97-495 Daughters of the Nile Day	12/55
97-496 Symphony Center Month	12/55
97-497 Glen Kinross Day	12/55
97-498 Uruguay Day	12/55
97-499 Chiropractic Health Care Month	12/55
97-500 Computer Literacy Week	12/55
97-501 Domestic Violence Awareness Month	12/55
97-502 Iron Overload Awareness Week	12/55
97-503 Martin F. Conatser Day	12/55
97-504 Peoria Symphony Orchestra Day	12/55
97-505 Adult Day Services Week	12/55
97-506 Adult Immunization Awareness Week	12/55
97-507 Illinois State Great Catfish Cookoff and Murphyboro Barbecue Championship Days	12/55
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97-509 American Health Association Day	12/55
97-510 Congratulation to James and Kelly Lovett	12/55
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97-512 Roberts Temple Church of God in Christ Founder's Week Celebration	12/55
97-513 KPMG's World of Spirit Day	12/55
97-514 Northwestern Memorial Hospital Day	12/55
97-515 AARP Week	12/55
97-516 Hispanic State Employee Day	12/55
97-517 AIDS Walk Rockford Day	12/55
97-518 Dick Miller Congratulated	12/55
97-519 Hunting and Fishing Day	12/55
97-520 National Council of Negro Women Day	12/55
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97-523 Jerry Krause Day	12/55
97-524 Jim and Carol Bann Day	12/55
97-525 Leif Erickson Day	12/55
97-526 Shear Madness Day	12/55
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This Sections Affected Index lists, by Title, each Section of a Part on which rulemaking has occurred in this volume (calendar year) of the *Illinois Register*. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number. For example, if a Section is proposed in the current volume of the Register and the previous volume's year appears immediately after the page number, e.g., 465, 115, it means that the Section was adopted this year. The action entry reads: (P-15655/96; A-6570). The codes are listed below.

## TYPE OF RULE MAKING

am = amend to existing Section  
n = New Section  
r = repeal of existing Section  
re = rescinded  
# = renumbered

## ACTION CODE

P = Proposed Rule  
A = Adopted Rule  
PF = Prohibited Filing  
E = Emergency  
S = Suspension  
O = JCAR Objection  
PP = Peremptory  
F = Failure to Remedy Objections  
M = Modification  
W = Withdrawal  
RC = Recommendations  
R = Response  
EC = Expedited Changes  
EQ = Expedited Correction  
RQ = Request for Correction  
C = Correction  
R = Refusal

## 1997

## TITLE 2

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560.816	am	(P-12701/96;A-405)
560.818	am	(P-12701/96;A-405)
560.820	am	(P-12701/96;A-405)
560.822	am	(P-12701/96;A-405)
560.824	am	(P-12701/96;A-405)
560.826	am	(P-12701/96;A-405)
560.828	am	(P-12701/96;A-405)
560.830	am	(P-12701/96;A-405)
560.832	am	(P-12701/96;A-405)
560.834	am	(P-12701/96;A-405)
560.836	am	(P-12701/96;A-405)
560.838	am	(P-12701/96;A-405)
560.840	am	(P-12701/96;A-405)
560.842	am	(P-12701/96;A-405)
560.844	am	(P-12701/96;A-405)
560.846	am	(P-12701/96;A-405)
560.848	am	(P-12701/96;A-405)
560.850	am	(P-12701/96;A-405)
560.852	am	(P-12701/96;A-405)
560.854	am	(P-12701/96;A-405)
560.856	am	(P-12701/96;A-405)
560.858	am	(P-12701/96;A-405)
560.860	am	(P-12701/96;A-405)
560.862	am	(P-12701/96;A-405)
560.864	am	(P-12701/96;A-405)
560.866	am	(P-12701/96;A-405)
560.868	am	(P-12701/96;A-405)
560.870	am	(P-12701/96;A-405)
560.872	am	(P-12701/96;A-405)
560.874	am	(P-12701/96;A-405)
560.876	am	(P-12701/96;A-405)
560.878	am	(P-12701/96;A-405)
560.880	am	(P-12701/96;A-405)
560.882	am	(P-12701/96;A-405)
560.884	am	(P-12701/96;A-405)
560.886	am	(P-12701/96;A-405)
560.888	am	(P-12701/96;A-40









Title 20, cont.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									</
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Title 32, cont.		Title 35	
360.10 am	(P-14223)	183.120 am	(P-6948)(P-14115)
360.20 am	(P-14223)	183.130 am	(P-6948)(P-14115)
360.30 am	(P-14223)	183.150 am	(P-6948)(P-14115)
360.40 am	(P-14223)	183.200 am	(P-6948)
360.50 am	(P-14223)	183.210 re	(P-6948)
360.60 am	(P-14223)	183.215 re	(P-6948)
360.71 am	(P-14223)	183.220 re	(P-6948)
360.75 am	(P-14223)	183.225 re	(P-6948)
360.80 am	(P-14223)	183.230 re	(P-6948)
360.90 am	(P-14223)	183.231 re	(P-6948)
360.100 am	(P-14223)	183.232 re	(P-6948)
360.110 am	(P-14223)	183.240 re	(P-6948)
360.120 am	(P-14223)	183.245 re	(P-6948)
360.Ap. A am	(P-14223)	183.250 re	(P-6948)
360.Ap. B am	(P-14223)	183.255 re	(P-6948)
360.Ap. C am	(P-14223)	183.305 r	(P-14115)
360.Ap. D am	(P-14223)	183.310 r	(P-14115)
360.Ap. E am	(P-14223)	183.315 r	(P-14115)
360.176. A am	(P-14223)	183.320 r	(P-14115)
360.176. B am	(P-14223)	183.325 r	(P-14115)
360.176. C am	(P-14223)	183.330 r	(P-14115)
360.176. D am	(P-14223)	183.335 r	(P-14115)
360.176. E am	(P-14223)	183.340 r	(P-14115)
360.176. F am	(P-14223)	183.345 r	(P-14115)
360.176. G am	(P-14223)	183.350 r	(P-14115)
360.176. H am	(P-14223)	183.355 r	(P-14115)
360.176. I am	(P-14223)	183.360 r	(P-14115)
360.176. J am	(P-14223)	183.370 r	(P-14115)
360.176. K am	(P-14223)	183.375 r	(P-14115)
360.176. L am	(P-14223)	183.380 r	(P-14115)
360.176. M am	(P-14223)	183.385 r	(P-14115)
360.176. N am	(P-14223)	183.390 r	(P-14115)
360.176. O am	(P-14223)	183.395 r	(P-14115)
360.176. P am	(P-14223)	183.400 r	(P-14115)
360.176. Q am	(P-14223)	183.405 r	(P-14115)
360.176. R am	(P-14223)	183.410 r	(P-14115)
360.176. S am	(P-14223)	183.415 r	(P-14115)
360.176. T am	(P-14223)	183.420 r	(P-14115)
360.176. U am	(P-14223)	183.425 r	(P-14115)
360.176. V am	(P-14223)	183.430 r	(P-14115)
360.176. W am	(P-14223)	183.435 r	(P-14115)
360.176. X am	(P-14223)	183.440 r	(P-14115)
360.176. Y am	(P-14223)	183.445 r	(P-14115)
360.176. Z am	(P-14223)	183.450 r	(P-14115)
360.176. AA am	(P-14223)	183.455 r	(P-14115)
360.176. AB am	(P-14223)	183.460 r	(P-14115)
360.176. AC am	(P-14223)	183.465 r	(P-14115)
360.176. AD am	(P-14223)	183.470 r	(P-14115)
360.176. AE am	(P-14223)	183.475 r	(P-14115)
360.176. AF am	(P-14223)	183.480 r	(P-14115)
360.176. AG am	(P-14223)	183.485 r	(P-14115)
360.176. AH am	(P-14223)	183.490 r	(P-14115)
360.176. AI am	(P-14223)	183.495 r	(P-14115)
360.176. AJ am	(P-14223)	183.500 r	(P-14115)
360.176. AK am	(P-14223)	183.505 r	(P-14115)
360.176. AL am	(P-14223)	183.510 r	(P-14115)
360.176. AM am	(P-14223)	183.515 r	(P-14115)
360.176. AN am	(P-14223)	183.520 r	(P-14115)
360.176. AO am	(P-14223)	183.525 r	(P-14115)
360.176. AP am	(P-14223)	183.530 r	(P-14115)
360.176. AQ am	(P-14223)	183.535 r	(P-14115)
360.176. AR am	(P-14223)	183.540 r	(P-14115)
360.176. AS am	(P-14223)	183.545 r	(P-14115)
360.176. AT am	(P-14223)	183.550 r	(P-14115)
360.176. AU am	(P-14223)	183.555 r	(P-14115

Title 35, cont.		n		p	
186,130	n	(P-6979)	205,225	n	(P-9649-A-15777)
186,131	n	(P-6979)	205,300	n	(P-9649-A-15777)
186,132	n	(P-6979)	205,300	n	(P-9649-A-15777)
186,133	n	(P-6979)	205,315	n	(P-9649-A-15777)
186,134	n	(P-6979)	205,318	n	(P-9649-A-15777)
186,140	n	(P-6979)	205,320	n	(P-9649-A-15777)
186,145	n	(P-6979)	205,330	n	(P-9649-A-15777)
186,150	n	(P-6979)	205,335	n	(P-9649-A-15777)
186,155	n	(P-6979)	205,337	n	(P-9649-A-15777)
186,160	n	(P-6979)	205,340	n	(P-9649-A-15777)
186,165	n	(P-6979)	205,405	n	(P-9649-A-15777)
186,170	n	(P-6979)	205,405	n	(P-9649-A-15777)
186,175	n	(P-6979)	205,500	n	(P-9649-A-15777)
186,180	n	(P-6979)	205,510	n	(P-9649-A-15777)
186,185	n	(P-6979)	205,600	n	(P-9649-A-15777)
186,190	n	(P-6979)	205,610	n	(P-9649-A-15777)
186,195	n	(P-6979)	205,620	n	(P-9649-A-15777)
186,200	n	(P-6979)	205,630	n	(P-9649-A-15777)
186,205	n	(P-6979)	205,700	n	(P-9649-A-15777)
186,210	n	(P-6979)	205,710	n	(P-9649-A-15777)
186,215	n	(P-6979)	205,720	n	(P-9649-A-15777)
186,220	n	(P-6979)	205,730	n	(P-9649-A-15777)
186,225	n	(P-6979)	205,740	n	(P-9649-A-15777)
186,230	n	(P-6979)	205,750	n	(P-9649-A-15777)
186,240	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,245	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,250	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,255	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,260	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,265	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,270	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,275	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,280	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,285	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,290	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,295	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,300	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,305	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,310	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,315	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,320	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,325	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,330	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,335	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,340	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,345	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,350	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,355	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,360	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,365	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,370	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,375	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,380	n	(P-6979)	205,760	n	(P-9649-A-15777)
186,3					

















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Title 89, cont.	401, 160	(O-1985)	(P-6286) (E-9151)	401, 300	n	(P-6286) (E-9151)	(O-1985)
	401, 180	(O-1985)	(P-6286) (E-9151)	401, Ap-A	n	(P-6286) (E-9151)	(O-1985)
	401, 200	(O-1985)	(P-6286) (E-9151)	401, Ap-B	n	(P-6286) (E-9151)	(O-1985)
	401, 210	(O-1985)	(P-6286) (E-9151)	401, Ap-C	n	(P-6286) (E-9151)	(O-1985)
	401, 220	(O-1985)	(P-6286) (E-9151)	401, Ap-D	n	(P-6286) (E-9151)	(O-1985)
	401, 230	(O-1985)	(P-6286) (E-9151)	401, Ap-E	n	(P-6286) (E-9151)	(O-1985)
	401, 240	(O-1985)	(P-6286) (E-9151)	401, Ap-F	n	(P-6286) (E-9151)	(O-1985)
	401, 250	(O-1985)	(P-6286) (E-9151)	401, Ap-G	n	(P-6286) (E-9151)	(O-1985)
	401, 260	(O-1985)	(P-6286) (E-9151)	401, Ap-H	n	(P-6286) (E-9151)	(O-1985)
	401, 270	(O-1985)	(P-6286) (E-9151)	402, 2	ann	(P-5221/96/A-4548)	(O-1985)
	401, 300	(O-1985)	(P-6286) (E-9151)	402, 4	ann	(P-5221/96/A-4548)	(O-1985)
	401, 310	(O-1985)	(P-6286) (E-9151)	402, 6	ann	(P-5221/96/A-4548)	(O-1985)
	401, 320	(O-1985)	(P-6286) (E-9151)	402, 7	ann	(P-5221/96/A-4548)	(O-1985)
	401, 330	(O-1985)	(P-6286) (E-9151)	402, 12	ann	(P-5221/96/A-4548)	(O-1985)
	401, 340	(O-1985)	(P-6286) (E-9151)	402, 13	ann	(P-5221/96/A-4548)	(O-1985)
	401, 350	(O-1985)	(P-6286) (E-9151)	402, 3	ann	(P-5261/96/A-4587)	(O-1985)
	401, 360	(O-1985)	(P-6286) (E-9151)	403, 4	ann	(P-5261/96/A-4587)	(O-1985)
	401, 370	(O-1985)	(P-6286) (E-9151)	403, 3	ann	(P-5261/96/A-4587)	(O-1985)
	401, 380	(O-1985)	(P-6286) (E-9151)	403, 9	ann	(P-5261/96/A-4587)	(O-1985)
	401, 390	(O-1985)	(P-6286) (E-9151)	403, 15	ann	(P-5261/96/A-4587)	(O-1985)
401, 400	(O-1985)	(P-6286) (E-9151)	403, 18	ann	(P-5261/96/A-4587)	(O-1985)	
401, 410	(O-1985)	(P-6286) (E-9151)	404, 2	ann	(P-5161/96/A-4448)	(O-1985)	
401, 420	(O-1985)	(P-6286) (E-9151)	404, 3	ann	(P-5161/96/A-4448)	(O-1985)	
401, 430	(O-1985)	(P-6286) (E-9151)	404, 4	ann	(P-5161/96/A-4448)	(O-1985)	
401, 440	(O-1985)	(P-6286) (E-9151)	404, 6	ann	(P-5161/96/A-4448)	(O-1985)	
401, 450	(O-1985)	(P-6286) (E-9151)	404, 7	ann	(P-5161/96/A-4448)	(O-1985)	
401, 460	(O-1985)	(P-6286) (E-9151)	404, 14	ann	(P-5161/96/A-4448)	(O-1985)	
401, 470	(O-1985)	(P-6286) (E-9151)	405, 2	ann	(P-5184/96/A-4513)	(O-1985)	
401, 480	(O-1985)	(P-6286) (E-9151)	405, 3	f	(P-5184/96/A-4513)	(O-1985)	
401, 490	(O-1985)	(P-6286) (E-9151)	405, 4	ann	(P-5184/96/A-4513)	(O-1985)	
401, 500	(O-1985)	(P-6286) (E-9151)	405, 6	ann	(P-5184/96/A-4513)	(O-1985)	
401, 510	(O-1985)	(P-6286) (E-9151)	405, 7	ann	(P-5184/96/A-4513)	(O-1985)	
401, 520	(O-1985)	(P-6286) (E-9151)	405, 12	ann	(P-5184/96/A-4513)	(O-1985)	
401, 530	(O-1985)	(P-6286) (E-9151)	405, 19	ann	(P-5184/96/A-4513)	(O-1985)	
401, 540	(O-1985)	(P-6286) (E-9151)	406, 1	ann	(P-5197/96/A-4524)	(O-1985)	
401, 550	(O-1985)	(P-6286) (E-9151)	406, 3	f	(P-5197/96/A-4524)	(O-1985)	
401, 560	(O-1985)	(P-6286) (E-9151)	406, 4	ann	(P-5197/96/A-4524)	(O-1985)	
401, 570	(O-1985)	(P-6286) (E-9151)	406, 6	ann	(P-5197/96/A-4524)	(O-1985)	
401, 580	(O-1985)	(P-6286) (E-9151)	406, 9	ann	(P-5197/96/A-4524)	(O-1985)	
401, 590	(O-1985)	(P-6286) (E-9151)	406, 9	ann	(P-5197/96/A-4524)	(O-1985)	

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Title 92, cont.	
1710.150	am (P-13960)
1710.151	am (P-13960)
1710.152	am (P-13960)
1710.170	am (P-13960)
1710.170	am (P-13960)
1710.180	am (P-13960)
1720.10	f (P-13990)
1720.10	f (P-13990)
1730.10	f (P-13955)
1730.15	f (P-13955)
1730.20	f (P-13955)
1730.30	f (P-13955)
1730.40	f (P-13955)
1730.40	f (P-13955)
1730.50	f (P-13955)
1730.60	am (P-13955)
1740.10	f (P-13986)
1740.20	f (P-13986)
1740.30	f (P-13986)
1740.40	f (P-13986)
1740.50	f (P-13986)
1740.60	f (P-13986)
1750.40	f (P-1446A-11589)

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